

St JOHN GONSON
Five CHARGES
TO SEVERAL
GRAND JURIES,
V I Z.

I. To the GRAND JURY of the City and Liberty of *Westminster*, &c. at the General Quarter-Sessions of the Peace, held the Twenty fourth Day of *April*, 1728.

II. To the GRAND JURY of the said City and Liberty, at the General Quarter-Sessions of the Peace, held the Eleventh Day of *July*, 1728.

III. To the GRAND JURY of the *Royalty* of the *Tower* of *London*, and the Liberties and Precincts thereof, at the

General Quarter-Sessions of the Peace, held for the said *Royalty*, the Sixteenth Day of *July*, 1728.

IV. To the GRAND JURY of the City and Liberty of *Westminster*, &c. at the General Quarter-Sessions of the Peace, held the Ninth Day of *October*, 1728.

V. To the GRAND JURY of the said City and Liberty, at the General Quarter-Sessions of the Peace, held the Third Day of *July*, 1729.

Printed at the Desire of the Justices of the Peace in both the said Commissions, and of the respective
GRAND JURIES.

The FOURTH EDITION.

L O N D O N :

Printed for W. MEADOWS, at the *Angel* in *Corabill*; and
C. ACKERS, in *St. John's-Street*.

Five CHARGES Sir John GONSON

TO SEVERAL GRAND JURIES.

N I E

General Quarter-Sessions of
the Peace, held for the said
County, on the sixteenth Day
of July, 1728.

IV. To the Grand Jury
of the City and Liberty
of Westminster, at the
General Quarter-Sessions of
the Peace, held the Ninth
of October, 1728.

the Grand Jury
of the City and Liberty
of Westminster, at the General Quarter-
Sessions of the Peace, held
the Third Day of July,
1728.



I. To the Grand Jury
of the City and Liberty
of Westminster, at the
General Quarter-Sessions of
the Peace, held the Twenty-
fourth Day of April, 1728.

II. To the Grand Jury
of the City and Liberty
of Westminster, at the General Quarter-
Sessions of the Peace, held
the Eleventh Day of July,
1728.

III. To the Grand Jury
of the City and Liberty
of Westminster, at the General Quarter-
Sessions of the Peace, held
the Third Day of July,
1728.

Printed at the House of the Justices of the Peace in
both the said Sessions, and of the respective
GRAND JURIES.

THE FOURTH EDITION.

L O N D O N :

Printed for W. Mearns, at the Shop in Cornhill; and
C. Hedges, in St. John's Street.

ST. LOUIS, MO.

THE CHURCH

OF THE

GRAND JURY

OF THE STATE OF MISSOURI

THE CHURCH

OF THE

CHURCH

TO

GRAND JURY

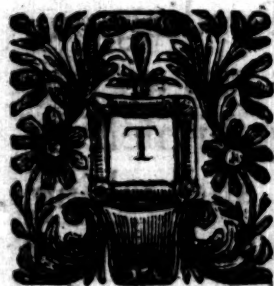
THE CHURCH



TO THE
Worshipful His MAJESTY'S
Justices of the Peace

FOR THE
CITY and LIBERTY of
WESTMINSTER.

GENTLEMEN,



HE many Favours and
Civilities I have receiv-
ed from you, the Ho-
nour you were pleased
to do me in unani-
mously Choosing me your CHAIRMAN,
when the Right Honourable the
a Lord

DEDICATION.

LORD DELAWARE resign'd that Office; and after some Recess from the Chair, your Choos'ing me again in my Absence; your kind Acceptance, during a Course of many Years, of my well meant Services to you, and the Publick, merit a most grateful Acknowledgment from me. I was, therefore, unwilling to deny the Request made by several of you, for another Impression of the CHARGES, formerly Published by your Order; and I the rather inclined to comply with your Requests, by Reason it lately came to my Knowledge, That a Gentleman, who for many Years had been 'a *Nonjuror*, declared under his Hand, that the Reading one or more of these Charges was a great Motive to his Reconciling himself to the present Government, and taking the Oaths required by Law; and particularly, that the Act of the Thirteenth of Queen ELIZABETH, Cap.

DEDICATION.

Cap. 1, I have mentioned, (which he had never read, or, at least, considered before) satisfied him, that the Parliamentary Settlement of the Crown in the Illustrious House of *Hanover*, was Agreeable to the *English* Constitution, and prescribed by it. It has, indeed, been objected, in a kind Letter sent to me by a *Non-juring Clergyman*, (whom I honour and reverence for his great Learning, and exemplary Piety) That this Act of the Thirteenth of ELIZABETH, Cap. 1, is Expired; if that were true, it is nevertheless true, That the Legislature hath in that Act Asserted the Limitation of the Descent and Inheritance of the Crown to be within the Verge of its Power, which is sufficient for the Purpose I mentioned it. But this worthy Person is mistaken, in thinking the Act of the Thirteenth of ELIZABETH, Cap. 1, is Expired. The

DEDICATION.

Penalty of High Treason, indeed, was Temporary; that Act making it *High Treason only during Queen ELIZABETH'S Life*, for any one to Affirm, That the Queen and her Two Houses of Parliament could not make Laws of sufficient Force and Validity to bind the Descent and Inheritance of the Crown: But the Act itself was so far from being Temporary, or Expiring with the Queen's Life, that it expressly makes it Forfeiture of Goods and Chattels for any one to Affirm the same after the Queen's Death. And in those Memorable Debates in the House of Commons, in the Year 1680, on the Bill then depending, For securing the Protestant Religion, by disabling JAMES Duke of York to inherit the Imperial Crown of England and Ireland, &c. commonly called *The Bill of Exclusion*, several of the great Men in the House, who spoke in

DEDICATION.

in Favour of the Bill, urged this Statute of the Thirteenth of ELIZABETH, Cap. 1, as a Law in Force; particularly it was quoted by that Eminent Lawyer Sir FRANCIS WINNINGTON, in his Speech, on that Occasion *. If any Thing in these Charges, or in others I may hereafter Publish, be of any Use to the Publick, or that any one Person may receive Benefit by them, I shall despise the little Remarks or unjust Reflections, that may be made by the Invidious; against these I presume to shelter myself under your Patronage.

AND, since I have been, as it were, forced to Print these Papers, it gives me an Opportunity publickly to declare, That since I have been in this Commission of the Peace, I have had the Honour and the Comfort to know and be acquainted with

* *Debates*, 1680, p. 98.

DEDICATION.

with many Gentlemen of Honour and Fortune in it, who have laid out their Time and Money, and have frequently met in Numbers (out of Sessions) to suppress those Seminaries of all Villany, the *Gaming-Houses*; where so many Young Gentlemen, and others, have been Cheated and Ruined by common Gamesters, and Sharpers, who, that they may more easily and speedily devour their Prey, sometimes use false and loaded Dice, as late Experience hath shewn. Many Justices of the Peace in this Commission have also frequently met in Bodies to suppress Night Houses, Night Cellars, and other Disorderly Houses and Places, where Highwaymen, Thieves, Street Robbers, and the vilest Miscreants resort, and are Harboured and Entertained; and by their bringing to condign Punishment the Keepers and Maintainers of these Magazines of Wickedness, doubtless, many
Street

DEDICATION

Street Robberies have been prevented; and I am bold to say, that unless something of this Nature had been done by the Magistrates for some Winters past, it had been as dangerous to walk in *Covent-Garden*, and some Parts of the Liberty of *Westminster*, in the Night Time, as it is in the Streets of *Padua*, or other great Cities beyond the Seas, where Murders, as well as Robberies, are committed almost every Night. I might enlarge on this Subject, but that I know the Gentlemen, who have mostly exerted themselves in these Publick Services, hear or read nothing so unwillingly, as their own Praises. However, the steady Zeal they have discovered, thro' a regular Course of Acting for these good Purposes, cannot but give a lasting Pleasure to their own Minds on Reflection, and spread a Joy among other worthy Gentlemen pursuing the
the

DEDICATION.

the same generous Designs. That all your Laudable Endeavours to Reform the vicious Part of Mankind may be crowned with Success, is the sincere Wish of him, who shall always esteem it his Honour, as well as his Duty, to subscribe himself,

GENTLEMEN,

Your much obliged,

And most obedient,

Humble Servant,

J. GONSON.

THE CHARGE

OF

Sir John Gonson Kn^t.

TO THE

GRAND JURY

OF THE

CITY and LIBERTY of
WESTMINSTER, &c.

At the General Quarter-Sessions of
the Peace, held the Twenty-fourth
Day of April, 1728, in WEST-
MINSTER-HALL.

*Printed at the Desire of the Justices of the
Peace for the said City and Liberty, and of
the Grand Jury.*

THE FOURTH EDITION.

L O N D O N :

Printed by CHARLES ACKERS. MDCCXL.

Civitas, Burgus, & Villa Westm. in Com. Midd. } *Ad Generalem Quarterialem Sessionem Pacis Domini Regis tenent' apud Westm. pro Libertat' Decani & Capituli Ecclesie Collegiat. beati Petri Westm. Civit. Burgi, & Villæ Westm. in Comitatu Middlesexie, & sancti Martini le Grand, London' Die Mercur. scilicet vicesimo quarto Die Aprilis, Anno Regni Domini Georgii Secundi, Dei Gratiâ, hunc Regis Magnæ Britannie, &c. primo.*

HIS Majesty's Justices of the Peace for this City and Liberty of *Westminster*, now assembled at this General Quarter-Session of the Peace held for the said City and Liberty; being of the Opinion, that the Charge this Day given by *Sir John Gons*, the Chairman, (in the Absence of the Right Honourable *John Lord Delawar*, the present Chairman of this Session) to the Grand Jury, sworn to enquire for our Sovereign Lord the King, for the Body of this City and Liberty, and to the High and Petty Constables of the same, is a very Loyal, Learned, Ingenious, Excellent, and Useful Charge, highly tending to the Service of His Majesty, and His Administration and Government: Have unanimously agreed and resolved, that the Thanks of this Court be, and the same are hereby given, to the said *Sir John Gons*, for his said Charge; and desire that he will be pleased to cause the same to be Printed and Published, for the better Information of the Inhabitants, and publick Officers of this City and Liberty, in the Performance of their respective Duties.

Per Curiam

Printed by CHARLES BARNES.
MIDDLETON.



To the WORSHIPFUL

Sir John Gonson Kn^t.

CHAIRMAN of the Quarter-
Sessions, &c. held for the
City and Liberty of *West-*
minster, the Twenty-fourth
Day of *April*, 1728.

WE the Grand Jury, sworn to
enquire for the Body of the
City and Liberty of WESTMINSTER,
having received a most Learned and
Excellent Charge, from the Chair,
given by your Worship, Do hereby
A 2 return

return you our most sincere and humble Thanks for the same; and pray, that you will be pleased, for the publick Good, to cause the same to be Printed.

William Atkinson.

John Jones.

John Ismonger.

E. Salisbury.

William House.

Gray Sambach.

John Henshaw.

Stephen Saugé.

John Clayton.

Thomas Turnor.

John Ferguson.

Richard Mitchell.

Philip Gardiner.

Jonathan Healey.

William Taylor.

Hem. Lockton.

John Leech.

Th. Cleaver.

John Andrews.

Jos. Morris.

Nathanael Lee.



THE



THE
CHARGE

OF

Sir John Gonson Kn^t.

Gentlemen of the Grand Jury,



CIVIL Government was instituted for the Preservation and Advancement of Men's Civil Interests, and for the better Security of their Lives, Liberties, and Properties.

MEN soon became sensible of the Necessity of Civil Government for these Ends,
A 3 from

from the Inconveniencies they suffer'd by a private Life, independent on each other: For in such a State, unless every Man would keep strictly to the Rules of Justice and Equity, which the Pravity of human Nature, and long Experience forbid us ever to hope for, the Weak would become a Prey to the Strong; every one would be at the Mercy of him that was mightier than himself, and the World would be full of Fraud and Injustice, Cruelty and Oppression.

No sooner did Mankind begin to multiply, and to contract new Relations and new Duties, but their Interests interfered with one another, and gave rise to those Wrongs and Injuries, which daily encreas'd in the World, and quickly moved Men to enter into Societies, and form themselves into regular Governments, for the mutual Security and Defence of their Persons and Properties, both against Violence from Abroad, and Rapine and Fraud at Home.

For these Ends and Purposes Societies were at first erected, and grounded upon the mutual Compact and Agreement of those, who enter'd into them, to stand by, and assist each other, both against Foreign Violence,

lence, and Domestic Wrongs. To repel the first of these, there must be external Force and Strength, which consist in Arms, Riches, and Multitude of Hands; the Remedy of the other lies in wise and wholsom Laws, agreed upon by the Society; and the Care of both is, by common Consent, committed to the Civil Magistrate, who is moreover arm'd with the Force and Strength of all his Subjects, in order to put those Laws in Execution.

FROM this brief Account of the Nature and Design of Civil Government, it is obvious, That if ever the true Ends of Government are answered, it is under our most happy Constitution, which is a Mixt Limited Monarchy, where the Prerogatives of the Crown, and the Liberties of the People, are so interwoven, that the Rights reserved to the People tend to render the King honourable and great, and the Prerogatives of the Crown are in order to the Protection and Safety of the People. Every Subject of *Great Britain* has a fix'd fundamental Right born with him, as to the Freedom of his Person, and Property in his Estate, which he can't be deprived of, but either by his own Consent, or

for some Crime for which the Law has imposed such a Penalty or Forfeiture. Our Liberties and Privileges are so great, that the Subjects in other Nations would think themselves Princes, if they might enjoy them; and are such, as the greatest Princes in Foreign Parts, who are not absolute and independent Sovereigns, can scarcely pretend to be Possessors of. In a Word, We enjoy Privileges unknown to the antient *Greeks* or *Romans*, and are the Noblest, I may say almost, the only Remains of the *Antient Northern Liberty*.

AND next to that of having a Share in the Legislature, it is one of the most valuable Parts of our Constitution, that no Man can be convicted, or attainted of any Crime, before two Juries pass upon him, of at least Twenty-four Persons; the one a Grand Jury, to present the Offence for Tryal; and the other a Petit Jury, to try the Truth of that Presentment. The Grand Jury coming from all Parts of the County, City, or Liberty, for which they serve, and the other, viz. the Petit Jury, from the very Neighbourhood where the Offence was committed; who, according to the Evidence given them, de-
termining

termine thereupon, and bring in their Verdict. And that the Evidence may be the clearer, and the better to be depended upon, written Depositions are not admitted, but upon mere Necessity: The Witnesses being to appear personally, and to be examined *Vivâ Voce*; a Method of coming at the Truth peculiar to this Nation, no other having, or practising the like. For look abroad into Foreign Countries, almost where you will, you'll find the Subjects under such Laws, as render their Lives, Liberties, and Estates precarious, and liable to be dispos'd of at the Discretion of Strangers appointed to be their Judges, generally mercenary, and Creatures of the Prerogative; sometimes Malicious and Oppressive, and too often Partial and Corrupt; or suppose them ever so Just and Upright, yet still the Subject no Security against Subornations, and the Attacks of false and malicious Witnesses: And often, when there is no sufficient Evidence, upon Suspicion only, they are obnoxious to the Tortures of the Rack, which may make an innocent Man confess himself guilty, merely to get out of present Pain; and then, with seeming Justice, he is executed. Or
 if

if he doth with invincible Courage endure the Question (as they call those Torments) yet he comes off with disjointed Bones, and such Weakness, as renders his Life a Burden to him ever after.

DESERVEDLY therefore is this Tryal by Juries a Part of the Great Charter, and ever rank'd amongst the choicest of our Fundamental Laws, which whosoever shall go about to suppress, or craftily undermine, by overawing or corrupting Juries, and thereby rendering them only a Formality, breaks asunder the Fences of our Government, and is an Enemy to his King and Country; for which Reason, our Parliaments have always been most zealous for preserving this Great Jewel of *Liberty*; no one Privilege besides having been so often remembered there. One Instance thereof (amongst many others) was the Case of the Lord Chief Justice KEYLING, who usurping an Arbitrary Power over a Grand Jury of *Somersetshire*, by commanding them to find a Bill of Indictment for Murder, for which they saw no Evidence; and upon their Refusal, he threatned and fined them: But upon the Complaint of Sir HUGH WYNDHAM, their Foreman, to the Parliament,

liament, (tho' a Parliament in the Reign of King CHARLES the Second, and much attached to the Court) yet even they could not bear such a bold Invasion of *English* Liberty; The Commons brought that Chief Justice to their Bar, and there made him acknowledge his Faults.

*Journals of the
House of Com-
mons, 11th & 13th
of December
1667.*

WHEN the one and the other Jury act as they ought, with Courage, Diligence, and Impartiality, we shall have just Reason, with the wise Lord Chancellor FORTESCUE, to celebrate that Law that instituted them; and to congratulate with our Countrymen the Happiness we enjoy, since the Meanest amongst us is protected by the Laws of his Country in as secure a Manner as the Greatest.

*Fort. de Laud.
Leg. Ang. Cap.
26.*

AND what compleats our Happiness is, that we may now take the most delightful View of our Excellent Constitution and Laws; not as in former Reigns, struggling with Arbitrary Power and Tyranny, but as most safe and secure, under the best of Princes, his *Sacred Majesty*, our most Gracious Sovereign; whose Nature, Inclination, and Religion,

Religion, all conspire to make him truly the Father of his People, delighting in their Happiness as in his own, and who makes the Laws of the Land the Rule of his Government. With such a King we are blest in a Queen, the Delight of the Nation, and the Glory of her Sex; whose known Piety is made still more exemplary by being joined with a fine Understanding, cultivated by the Study of the *Belles Lettres*, and improved with all useful Knowledge: We have also a numerous Royal Issue, to be form'd for the Support of our Religion and Liberties by these bright Examples; so that all the inestimable Blessings, which we enjoy under his Majesty's Reign, are likely to be entail'd down to future Ages, under a lasting Succession of Protestant Princes. And may there never want one of this Royal Progeny to Rule over these Nations, till Time shall be no more.

GENTLEMEN,

It is for the Preservation and Support of this our excellent Government, by the due Execution of the Laws, that we are now met

met together: And tho' the Court doth not doubt of your Ability to perform your Duty as *Grand Jury Men*; yet being sworn (amongst other Things) to enquire of such Matters, as shall be given you in Charge, it has always been the Custom, and therefore now proper to inform you, what Crimes and Offences you ought to enquire of, which otherwise perhaps might not occur to your Memory.

IN the first Place, I shall recommend to your Enquiry all such Offences, that concern Almighty G O D, and his Holy Religion established amongst us.

IT is for the Honour and Interest of every Government, that all Vice, Immorality and Profaneness should be suppress'd, because they are prejudicial to it; and the contrary Virtues tend to the Good and Welfare of Society. All Manner of Wickedness, even in those Instances, where it doth not directly injure any private Person, nor disturb the publick Peace, has an ill Influence upon Society, tends to make Men bad Subjects, and worse Neighbours, and indisposes them for the due Discharge of the Relative Duties of Life. And it

It has been observed, that a Contempt of
G O D, and a Neglect of Religious Duties,
is generally the Inlet to, and Forerunner of
almost all Manner of Wickedness.

I EXHORT you therefore to present all,
that shall Blaspheme, Vilify, and Ridicule the
Name, Nature, and Attributes of G O D,
and all other Offences against

9 & 10 W. III.
C. 32.

the Act of the Ninth Year of
King WILLIAM the Third, *For
the more effectual Suppressing of Blasphemy and
Profaneness.*

You are also to take Notice of all other
Offences mentioned in his Majesty's Royal
Proclamation just now read to you: Parti-
cularly all profane Swearing and Cursing,
Drunkenness, and Breach of the Sabbath.

THE horrid Oaths and Curses, that a-
bound in our Streets, are very shocking to
Religious Foreigners, who come here; no
such publick Profanation of G O D's holy
Name being known abroad, even in Popish
Countries. Besides the Offending G O D,
the Injuring our Souls, and Affronting sin-
cere Christians (in an Age, which pretends
to good Breeding) by Treating that G O D

with Indignity, whom they worship and adore, are Things of such a Nature, which are worthy of our Notice. The common Practice of profane Cursing and Swearing is exceedingly injurious to civil Society; for whilst Oaths are reckoned the greatest Securities of Government, if they are once render'd slight and common, it will by Degrees lessen Men's Awe and Regard for them on more solemn and necessary Occasions; and when all Regard for the Obligation of Oaths is lost, there is an End of our Courts of Justice. We have no other Way to judge of Right or Wrong, Truth or Falshood, nor any Security left for our Lives and Properties, when the Reverence for this solemn Appeal to the All-seeing G O D is once extinguished in our Minds. So that upon Civil, as well as Religious Considerations, you ought to set your Faces against this Sin, and present all Constables, negligent or remiss in this Part of their Duty, in Taking up and Giving Information against common Swearers.

DRUNKENNESS is not only a Transgression of the Laws of G O D, and the Law of the Land, but a Violation of the Law of our Nature: It deprives Men of their Reason,

Reason, and levels them with the Beasts.
 Presentment and Indictment in Sessions is one
 Method appointed by the Statute of the
 Fourth of King JAMES the
 4th Jac. I. First for the Punishment of
 Drunkenness.

It has been the Honour of our Govern-
 ment, that the Observation of the LORD's
 Day has been more strictly enjoyn'd by our
 Laws, than in any other Nation whatsoever;
 and it is Pity, that such excellent Laws have
 not been better executed.

THE Statute of the Twenty
 29 Car. II. Ninth of King CHARLES the
 Second, for the better Observa-
 tion of the LORD's Day, requires all Per-
 sons to exercise themselves thereon in the
 Duties of Piety and true Religion, publicly
 and privately, and prohibits all bodily La-
 bour, and worldly Business. And since this
 Law forbids Carriers and Waggoners to tra-
 vel upon their honest and necessary Business
 on this Day, it surely cannot be supposed to
 allow any in the Profanation of it by Races,
 which some Persons have presumed to ap-
 point to be run on Sundays. But His Majesty
 has

has thought fit to discourage such Practices, and commanded the Justices of the Peace of this City and Liberty strictly to put in Execution all the Laws against the Profanation the LORD's Day, and to the utmost of their Power to discourage and punish any Breach of the Laws in this Behalf. His Majesty's Pleasure herein having lately been signified by a Letter from the Right Honourable the Lord Viscount TOWNSHEND, one of his Principal Secretaries of State, his Lordship's Letter shall be presently read in Court.

1 Car. I.

C. 1.

3 Car. I.

C. 2.

SINCE therefore his Majesty's pious Care for the Good of his People is so great, 'tis hop'd that so illustrious an Example will inspire you with a Zeal to do your Duty, by Presenting all that shall make Default in coming to Church, or some Religious Meeting, tolerated and allowed by Law, every Sunday: And all that shall spend their Time on that Day in any Sports or Games whatsoever, especially Gaming Assemblies.

1 Eliz. C. 2.

23 Eliz. C. 1.

3 Jac. I. C. 4.

1 W. & M.

Sess. 1. C. 18.

THE devout Observation of the LORD's Day has hitherto, and ever will be, the most

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probable Means of Preserving a Sense of, and Keeping up a visible Face of Religion in the World; which (should these Races and other Diversions on this Day prevail) would soon be lost among us.

5 Eliz. C. 9. ENQUIRE of all Perjury in Oaths judicially taken: All Subornation of Perjury, and Forgery: And also of all Books and Pamphlets wrote against Religion, or the Sacred Scriptures; or that are *Contra bonos Mores*.

THERE are such Books published, daily sold in Shops, and advertised in the Publick News-Papers, that ought rather to pass the Fire than the Press; and are a Scandal to any Christian Country. If you can't find out these detestable Authors, present the Printers and Publishers.

ALL these in their Nature seem to be more immediate Offences against the Divine Majesty.

AFTER the Duty that we owe to Almighty GOD, with which nothing ought to come in Competition, the next Duty that we owe is to our King and Country; and for

for the Preservation of these, I must recommend to you to enquire into all Treasons.

It is High Treason, to compass or imagine the Death of ^{25 Edw. III: C. 2.} the King, or Queen, or the Death of their Eldest Son and Heir, and to declare the same by some Overt-Act.

It is also High Treason, to levy War against the King; adhere to his Enemies; or to give them Aid or Comfort, in the Realm or elsewhere.

To Counterfeit his Great or Privy Seal; to Counterfeit his Coin, or bring false into the Realm; to Kill the Lord Chancellor, Lord Treasurer, Justices in Eyre, of Assize, and Justices of Oyer and Terminer, being in their Places doing their Offices.

THERE are some other Species of High Treason, which because you'll have no Occasion to enquire into, I need not trouble you with the Particulars. I shall only put you in mind of that Excellent Statute of the Sixth of the late Queen ^{6 Ann. C. 7.} ANNE, whereby it is made High Treason to maintain by Writing, or Printing, that the Kings and Queens of this Realm, by the Authority of Parliament, are not able

to make Laws of sufficient Force to bind and limit the Descent of the Crown; or that the Pretender hath Right to the Crown; or that any other Person hath Right to the same, otherwise than according to the Acts of Settlement. And if the Offender maintains the same by Words only, it is a Premunire.

AND here, GENTLEMEN, I would observe to you, that by a former Act of Parliament made in the thirteenth

13 *Elix. C. 1.*

Raft. 27.

3 *Inst. 6, 10,*

12, 14.

Coke's Instit. 4.

Part. 36.

Year of the Reign of Queen ELIZABETH, to assert and maintain, that the Queen and Parliament could not bind or limit the Descent of the Crown, was made High Treason during that Queen's Life. By this Law it appears, that the Patriarchal Scheme, and the Doctrines of indefeisible, unalienable Hereditary Right are of mere modern Invention, and were neither known nor believed by our Parliaments or Clergy in the Glorious Reign of Queen ELIZABETH. So that you see, the Title of his present Majesty King GEORGE is unquestionable, and most agreeable to our Ancient Constitution and Laws.

You are also to enquire of Misprision of Treason;

Treason; which is barely a Concealing it, without Evidencing a Consent to it, for that is High Treason: By the Statute of the Fourteenth of Queen E-^{14 Eliz. C. 7.} LIZABETH, it is Misprision of Treason to Counterfeit any Foreign Coin not current here.

You are to present all Treasonable and Seditious Words, and Speeches, reflecting on his Majesty's Sacred Person and Government, for they are indictable at common Law.

THE third and last Sort of Offences, that I shall recommend to your Enquiry, are those that concern your Fellow Subjects. Of these some are Capital, and some are not Capital.

Of the Capital, you are to present Petty Treason, which is an inferior Degree of Treason, and is committed against a Subject, between whom and the ^{25 E. III. C. 2.} Offender the Law presumes there is a special Obedience and Subjection due: It is Petty Treason therefore, for a Servant to Kill his Master or Mistress, or Master's Wife, or a Wife her Husband, or an Ecclesiastical Man his Prelate.

You are to enquire of Burglary, which is a Breaking and Entering into a House by Night, with an Intent to commit some Felony, whether the felonious Intent be executed or not. By the Statute

18. Eliz.

C. 7.

of the Eighteenth of Queen ELIZABETH, Clergy is taken away in all Burglaries.

You are to present all Sorts of Felonies; as Murders, Robbery on the Highway, Pick- ing of Pockets, &c. but these common Thefts are so well known to you, that I shall not inspect your Knowledge and Understanding so much, as to think you stand in need of any Detail of them, or that I should define them to you.

Of Offences not Capital there are very great Numbers: I shall only mention some, that are most recent among us, and there- fore like to fall under your Cognizance and Enquiry.

You are to present Petty Larceny; all Buyers and Receivers of stolen Goods, know- ing them to be so; all forcible

R. H. C. 7.

H. VI. C. 9.

21 Eliz. C. 11.

21 Jac. I.

C. 15.

Entries, and Detainers of Lands and Tenements by Force. All Riots, Routs, and unlawful As- semblies.

semblies, Affrays, Assaults, Batteries; and in general, all Breaches of the Peace; all that buy or sell by false Weights or Measures; all that deceitfully get into their Hands other Men's Goods by false Tokens, Pretences, or Counterfeit Letters; all Forestallers, Regrators, and Ingrossers of Corn and other Victuals; all that shall sell corrupt and unwholesom Victuals; all common Barretors, and Stirrers up of Suits and Quarrels, either in Courts of Justice, or in the Country among the King's Subjects, who otherwise would be in Peace. By presenting some Barretors, you'll vindicate the Honour of our Laws, by Turning the Edge of them, and the Eyes of your Country upon such Men, who so much abuse the one, and are a Nufance to the other. That great Man, the Lord Chief Justice HALE, us'd to say, that it was of more Service to the Publick to convict one common Barretor, than ten Highwaymen. Present also all Keepers and Maintainers of common Gaming-Houses,

34 E. III. C. 1.
17 R. II. C. 8.
13 H. IV. C. 2.
19 H. VII.
C. 13.
11 H. VII.
C. 4.
22 C. II. C. 8.
33 H. VIII.
C. 1.
5 & 6 Edw.
VI. C. 14.
17 E. III. C. 30.
5 E. III. C. 4.
Stat. 6. 1. 2.
Dum. 1263. IV.
1 E. III. C. 4.
20 E. III. C. 4.
1 R. II. C. 2.

Houses, which are indictable as Nuisances at common Law, as well as punishable by the Statute of the Thirty third of King HENRY the Eighth.

PRESENT likewise all Common Gamesters, who draw in and ruin young Gentlemen of Estates, and others.

ENQUIRE of all Bribery and Extortion in any Officers or Ministers of Justice, in Taking Money where none is due, or more than is due, or before it is due; and particularly of the Extortion of Goalers.

PRESENT all Bawdy-Houses, and Disorderly Houses; under which Denomination you ought to reckon those many Houses and Shops, where such Numbers of the lower Sort of People get drunk with Geneva, and other Spirituous Liquors; a growing Evil, of more mischievous Consequences to the Publick, than can well be exprest.

AND because our Excellent Laws are often render'd useles, through the Remissness and Neglect of the inferior Officers, who are to execute them;

Houses

But

ENQUIRE,

ENQUIRE, if any Constables omit to make Presentments of any publick and notorious Offences in their respective Parishes or Wards; if they refuse or neglect to execute Warrants delivered to them; if they neglect Watch and Ward; or the Suppressing Vagrants; or if they wilfully neglect or omit any other Part of their Duty.

PRESENT all Tradesmen, Workmen, and Artificers, that ^{2 & 3 Edw.} VI. C. 15. conspire together not to sell their Goods, or to work, but at certain Rates and Prices; and all such as exercise Mechanical Trades, to which they have not been Apprentices seven Years, according to the Act of the Fifth of Queen ^{5 Eliz. C. 4.} ELIZABETH.

PRESENT all that shall contract with Artificers to go out of the Kingdom, contrary to an Act of the First of the late King GEORGE.

YOU are to enquire of all Highways, and Bridges out of Repair, and who ought to repair them; of all Cheats, and of all publick Nuisances: And here I hope you will not forget the very bad Condition of the Streets, and Pavements in many Parts of this City
and

and Liberty, which gives great Offence to every Body, and is detrimental to the Health of the People; and is occasioned chiefly through the Neglects of the Scavengers and Rakers, and partly by the Remissness and Carelessness of the Servants and Agents of several Companies of Water-Works, who, when they have broken up the Ground, to put in or mend their Pipes, lay down the Pavements again in those Places in a very loose, irregular, and unworkmanlike Manner.

THESE, GENTLEMEN, are all Matters very proper for your Enquiry, and the Court doth not doubt of your Care therein; but there is one Thing more, which I must at this Time particularly recommend to you, and that is, to present the Authors, Printers, and Publishers of all Libels.

It is a Shame to our Nation, that there should be any Persons belonging to it so little sensible of the Happiness which we enjoy, as to libel and disturb such a King, and such an Administration; yet this Offence is now grown so common, that if a Man goes into a Coffee-House, it is uncertain whether he

lays his Hands upon a News-Paper, of a Libel, I would not have any imagine, that there must be express Words of Scandal, and Persons Names at length, to make a Libeller criminal; if our Laws require this, they are very weak; and it would be strange, that all Mankind must understand a Libeller's Meaning, except the Court, and the Jury, who are to try him.

INDIRECT or Oblique Scandal hath in all Times (especially since the Abolition of the Court of Star-Chamber) been prosecuted, and the Offenders convicted and punished in the ordinary Courts of Justice; and if it were otherwise, the subtle or cunning Contrivance, which aggravates the Crime, would prevent the Punishment. And therefore it is, that Ironical Scandal, nay, even Dumb Scandal, (Scandal by Pictures or by Signs) as is mentioned in the Case *de Libellis famosis*, in my Lord COKE's Fifth Report, is indictable in this Court. The only Caution necessary in these Cases is, that the Interpretation be not forc'd nor strain'd.

16 Car. 1.
C. 10.

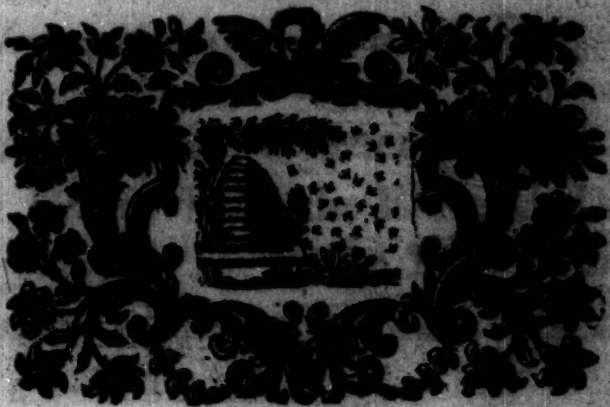
Coke's 5th
Report.

a Justice conclude with putting you in
 Mind of that Part of your Oath, which
 obliges you to Present all such Matters and
 Things as come to your Knowledge touch-
 ing the present Service, as well as such Of-
 fences that shall be given you in Charge.
 You are, therefore, to be summoned
 from the several Quarters of this populous
 City and Liberty, to the Intent that no Of-
 fences in your respective Parishes, or Streets,
 be probably throughout the whole Liberty,
 may escape the Knowledge of one or other
 of you. In Finding only such Bills, that
 are brought before you by private Prosecu-
 tors, you'll do but one Part of your Duty,
 which a Jury return'd out of one Parish or
 Street might do as well. But if you'll have
 a due Regard to your Oaths, you must pre-
 sent all notorious and publick Offences in
 your respective Neighbourhoods; which, if
 Grand Juries would every where do, would
 tend much to reform the vicious Part of Man-
 kind.

GENTLEMEN,

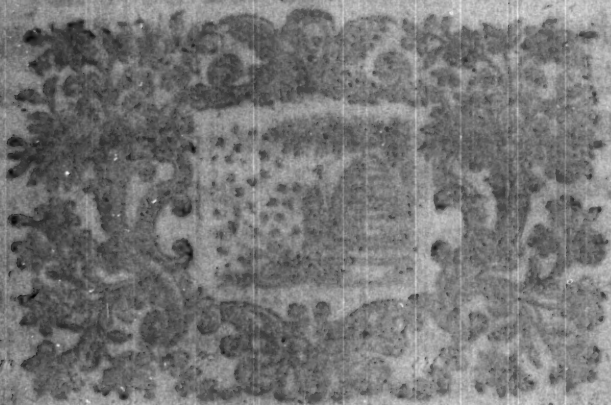
YOUR Office is as Ancient as our Laws,
 and (as you have heard) the great Bulwark
 of

of our Liberties. And it is with Pleasure, that I see this great and important Trust now reposed in Persons of your Credit and Reputation, Knowledge and Experience; who, I doubt not, will perform every Part of your Duty, and acquit your selves like such, as have a strict Regard to Justice, and the Proceedings and Authority of this Court.



T H E

[29]
of our Liberties. And it is with Pleasure
that I see this great and important Trust now
reposed in Persons of your Credit and Re-
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I doubt not, will perform every Part of
your Duty, and require your selves like
such, as have a strict Regard to Justice
and the Proceedings and Authority of this
Court.



T H E

THE
Second CHARGE

OF
Sir John Gonson Kn^t.

TO THE
GRAND JURY
OF THE
CITY and LIBERTY of
WESTMINSTER, &c.

At the General Quarter-Sessions of
the Peace, held the Eleventh Day
of July, 1728, at the Town Court-
House adjoining to WESTMIN-
STER-HALL.

Printed at the Desire of the Justices of the
Peace for the said City and Liberty, and of
the Grand Jury.

The FOURTH EDITION.

L O N D O N :
Printed by CHARLES ACKERS. MDCCXL.

H H T

Civitas, Burgus, & Villa Westm. in Com. Middx. Ad Generalem Quarterialem Sessionem Pacis Domini Regis tenent' apud Westm. pro Libertat' Decani & Capituli Ecclesie Collegiat. beati Petri Westm. Civit', Burgi, & Villæ Westm. in Comitatu Middx. & Sancti Martini le Grand, London' die Jovis scilicet undecimo die Julii, Anno Regni Domini Georgii Secundi, Dei Gratiâ nunc Regis Magnæ Britanniae, &c. secundo.

FOrasmuch as the Charge this Day given by Sir John Gonson Knight, Chairman of this Court (in the Absence of the Right Honourable John Lord Delawar the present Chairman) to the Grand Jury, and Jury of Constables, assembled and sworn at this present Sessions of the Peace held for this City and Liberty, is a Religious, Loyal, and Elegant Charge, tending to promote the Practice of Virtue and Religion, and also fully demonstrating the Happiness of our Constitution and Government, under the auspicious and glorious Reign of his present Majesty, and his wise Administration: It is unanimously Agreed, and Ordered by this Court, That the Thanks of this Court be, and the same are hereby given to the said Sir John Gonson for his said Charge; and this Court doth desire, that he will be pleased to cause the same to be Printed and Published.

Per Curiam

MIDDLETON.

Printed by CHARLES ACKERS. MIDDLETON.



To the WORSHIPFUL

Sir John Gonson Kn^t.

CHAIRMAN of the Quarter-
Sessions, &c. held for the
City and Liberty of *West-*
minster, the Eleventh Day
of July, 1728.

WE the Grand Jury, sworn to
enquire for the Body of the
City and Liberty of WESTMINSTER,
having received a most Excellent,
Learned, and Loyal Charge from
the Chair, given by your Worship,
T H T C Do

Do hereby certify you our most
 hearty Thanks for the same; and
 pray that you will be pleased, for
 the publick Good, to cause the same
 to be Printed, to remain to Poste-
 rity, &c.

James Webb.

Edm. Popham.

Tho. Mitchell.

John Richards.

Yos. Pagett.

Charles Steward.

Tho. Farrar.

John Parker.

Tho. Stocken.

John Goulden.

Tho. Farrar.

Wm. Holmes.

Sam. Mallings.

Peter Wood.

Tho. Baker.

John Chaworth.

Sam. Vale.

Tho. Hamley.

of July, 1728.



W
 City and Liberty of the
 having received from Excellent
 Learned, and Loyal Charge from
 the Chair given by your Worship,
 Do

THE
Second CHARGE

Sir John Gonson Kn^t.

Gentlemen of the Grand Jury,



THE principal End of Civil Government and Human Laws is to secure Property, to oblige Men, out of Fear of Penalties, to live honestly and justly, and that each Individual may be defended against Injury and Wrong, so where the Fundamental Laws and Con-

Rulers of any Government have been wisely
 directed to these Ends, such Countries and
 Kingdoms have increas'd in Virtue, Power,
 Wealth, and Happiness.

*Quæstio pro
 Publica Sex-
 tie.*

TULLY, who takes it from
 ARISTOTLE, tells us, That the
 ultimate End of Government,
 and the Mark, that all Rulers ought to aim
 at, is to acquire Peace with Reputation.

TOWARDS attaining this End, he men-
 tions the several Particulars, which it requires
 the greatest Application and Vigilance of good
 Governours to promote and maintain; and
 the chief Branches, as he enumerates them,
 are, Religion; the just and legal Powers and
 Rights of the Legislature; and of the Ma-
 gistrates subordinate to that; a due Admi-
 nistration of Justice; the Publick Treasure
 and Credit; and concludes with *Laus Pub-
 lica*; which indeed is the Result of a good
 Administration of the several Branches men-
 tioned. For Praise, both at Home and A-
 broad, will always attend good Management.

IT is apparent to any one, that will but
 reflect upon all these Particulars, That in no
 Age hath there ever been in this Nation, or
 any

[3]
any other, a more universally Glorious Ad-
ministration, than we now enjoy under his
Sacred Majesty King GEORGE the Second.

To begin with Religion. The Church of
England by Law establish'd is in no Danger,
but in a most safe and flourishing Condition;
all her Immunities, Rights, and Privileges
are secur'd to her by the strongest Laws;
and at the same Time the Protestant Dis-
senters are easy and happy under the Act of
Toleration. And, as his Majesty was pleas'd
to take Notice in his Speech to
the last Parliament, "Such mu-
"tual Forbearance is diffus'd
"throughout the Kingdom, that
"the National Church repines
"not at the Indulgence given to scrupulous
"Consciences; and those that receive the
"Benefit of the Toleration, envy not the
"Establish'd Church the Rights and Privi-
"leges, which they by Law enjoy."

His Majesty's
Speech to both
Houses of Par-
liament, July
17, 1727.

It was quite otherwise in former Reigns,
when Popery and Tyranny had almost pre-
vailed to the Ruin of our Church and State.
The Protestants of these Kingdoms, by the

Actions of Papists, and the Tools of Arbitrary Power, were miserably divided and set against each other, that by such Divisions, Popery and Tyranny might more easily be establish'd among us. But such have been the good Effects of the *Act of Toleration*, as to unite his Majesty's Protestant Subjects in Interest and Affection; many of the Dissenters are become sincere Converts to our Church, and their Prejudices wear off: The Members of our Church, and the Dissenters, notwithstanding their lesser Differences, now generally behave themselves towards each other, as becomes Fellow Subjects, and Fellow Christians, as Children of the same heavenly Father, and Heirs of the same Promises; agreeable to the Advice of our present most pious and excellent Metropolitan, in his admirable *Sermon and Exhortation for Mutual Charity and Union among Protestants*, preached before King WILLIAM and Queen MARY, at Hampton-Court, May 21, 1689.

* *Sermons and Discourses on several Occasions, by the Most Reverend Father in GOD, WILLIAM, Lord Arch-Bishop of Canterbury. The Second Edition. 1716.*
 Page 192, 193.

THE great Learning, Piety, truly Christian Moderation, extensive Zeal, and Christian Charity of those most Reverend Prelates who now adorn the Mitre, will, in all human probability, raise the Lustre and Reputation of the Church of *England* to such a Degree, that as the Steadiness of his Majesty's Counsels, and the Wisdom of his Administration justly entitles our Nation at present to hold the first Rank; so shall our Church be look'd upon as the Mother of all the Reform'd Churches in *Europe*, and will become a Praise in the whole Earth; our learned Divines, for their excellent Writings and virtuous Lives, being famous Abroad, and highly esteem'd even at *Geneva*.

As to the just Rights and Powers of the Legislature, no Prince ever had a more tender Concern for them than his present Majesty. The true Interest of the Nation is steddily pursued, and the great Fences and Boundaries of our Religion and Liberties inviolably maintained, and all farther Securities for the Preservation and Advancement of both, are chearfully granted.

PUBLICK Justice is duly and impartially Administer'd. In the chief Court of Equity

presides a noble Lord, justly esteem'd by all
 for his great Learning, Probity, and admira-
 ble Temper; and in the other Courts of Ju-
 stice there are such excellent and learned
 Judges on the Bench, that have been the
 Ornaments of the Bar, not the
 Blemishes of it, as a great Man
 truly said of Judges in former
 Reigns, some of whom had wickedly given
 up the Constitution, by allowing the King a
 Power to dispense with the Laws; and tho'
 the Mildness of King WILLIAM and Queen
 MARY's Government was such, that King
 JAMES the Second's Dispensing Judges and
 Lawyers suffer'd no other Pu-
 nishment, yet they are branded
 by Act of Parliament, and their
 Names left on Record to Posterity, as Be-
 trayers of the Rights and Liberties of the
 People.

As to the Treasure and publick Credit of
 the Nation, Was it ever rais'd to such a
 Height before, as it is now? Or the Purse
 ever in better Hands? Such a Confidence the
 People have in the publick Management, and
 are so well satisfied, that what we pay is
 punctually apply'd to the Service to which it

is appropriated, and the whole manag'd with such exquisite Conduct and Frugality, by those honourable Persons who preside over the Treasury, that never were Taxes more freely complied with, nor such large Sums rais'd so speedily, and at so low an Interest.

AND what crowns all our Happiness is, that we have a King upon the Throne, who is possess'd of all the Royal and Human Virtues that can endear a Prince to any People; and what adds to the Glory of his Majesty's Government, is, that he scorns to be the Head of a Party, and King only of one Part of his People; but extends the Blessings of his Reign to all his Subjects without Distinction: He has no other Views but to make them all easy and happy, to unite their Hearts and Interests, and render them as well affected to one another, as all ought to be to him. And with such a King, we have a Queen renown'd over all the World for her Virtue and Goodness, and for that sacred Regard to the true Protestant Religion, which will make her History the Delight of good Men in Ages to come. We are also blest with a numerous and hopeful Progeny,

sprung

Spring from these great Parents, educated by their Royal Courts, and form'd by their Examples, and who cannot fail of perpetuating to these Nations the Felicity, which we enjoy under their Most Excellent Majesties. In a Word, we have such a Scene of Good at present, as few Nations have ever enjoyed, and such a Prospect of Good to come, as calls the Blessings of future Times into our own, and adds to the Happiness of this Age, a Taste of the Happiness of their Posterity.

GENTLEMEN,

For preserving the publick Peace, and restraining the Lusts, unruly Passions, Frauds, and Violences of Men, our Laws have several Ways wisely provided Remedies, and constituted many Courts of Judicature: Amongst which I may reckon one of the Chiefest to be this Court of Quarter-Sessions, which is held four Times in a Year in every County; and also many Cities, Corporations, and Liberties have their Quarter-Sessions, and their Grand and Petty Juries; and these being drawn by our excellent Constitution from

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the several Parts of each County, City, and Liberty, there can be no notorious Breach in the Law, morally speaking, committed within this Kingdom, that can escape their Knowledge. This is a Court so honourable, that it receives its Authority by a special Commission from his Majesty; in which the greatest Subjects in *Great Britain* have an additional Dignity and Privilege to have their Names inserted; and several Noblemen of illustrious Extraction, magnificent Titles, and splendid Fortunes, have lately qualified themselves to act as Justices of the Peace for this City and Liberty; whose hereditary Candor and Generosity, inherent in noble Blood, inseparable from the Birth and Education of Peers, renders them eminently qualified for the Administration of publick Justice, and must needs give great Satisfaction to the People to think, that their Causes are to come before, and their Differences to be determined by such noble Judges, who are neither to be sway'd by Hopes, over-ruled by Fears, nor misled by any false Prejudice or Passion, but will decide every Cause with the strictest Impartiality, Equity and Honour.

AND

but as our Office is honourable, so it is
 also very Ancient; for, besides the Rea-
 son, which we have to believe that this, or
 something very like it, was contemporary
 with the Original of our own, and other of
 the Gothic Governments in Europe, our Chro-
 nicles inform us, that WILLIAM
 the First, commonly call'd the
 Conqueror, about the fourth Year
 of his Reign, which is six hundred and sixty
 Years ago, appointed Justices of the Peace;
 the first particular Statute, which we
 meet with concerning them, is in the first
 Year of the Reign of King ED-
 WARD the Third. How gene-
 rally useful and serviceable to the
 Country, this our Authority has been found
 to be, needs no other Proof, than the confi-
 derable Enlargement it hath since that Time
 received in almost every Reign.

WHEREAS the High Commission Court,
 the Star-Chamber, and the Court of Wards
 and Liveries, and several other Courts having
 exceeded their Jurisdictions, and being found
 to deviate from their original Institutions, and
 instead of giving Ease, Relief, and Security,
 to become Burthensome and Oppressive to the

AND

Sub-

Subjects, have been suppressed by Authority of Parliament. But the Wisdom of the Legislature, instead of vacating our Power, hath in many Particulars extended the Limits of it; for they could not but be sensible of the vast Advantages that every Man receives by so frequent, and so regular, so cheap, and so easy an Administration of Justice.

THE Oath, that you have taken to present all such Matters and Things that shall be given you in Charge, seems to imply an Obligation on me, to acquaint you with those Crimes and Offences, that the Commission of the Peace, and divers Statutes appoint to be either enquired of or punished in this Court, at least, with such of them as are most likely to fall under your Cognizance and Enquiry. And these Articles of your Charge, for Method sake, are usually divided into three general Heads.

I. SUCH Offences as concern Almighty GOD, and his holy Religion established amongst us.

II. THE King. And,

III. OUR

HL. Our Neighbours, or Fellow Sub-

As to the First of these. Tho' Religion hath a much higher and nobler End, yet it is so very necessary for the Support of human Societies, that it is impossible, they can subsist without acknowledging some invifible Power, that concerns himself with human Affairs, and will punish the Immoral and Vicious, and reward the Good and Virtuous in another Life. And the Awe and Reverence of this divine Being makes Men more effectually observe those Duties, in which their mutual Happiness consists, than all the Punishments of the Magistrate. If it's reasonable for the Magistrate to punish one, who does any Injury to a single Person, he ought certainly to punish him who injures the whole Society, by openly denying the Being of a GOD, or that he governs the World, or presides over human Affairs; such a one may justly be esteemed an Enemy to the whole Race of Mankind, as subverting that Foundation on which their Preservation and Happiness is chiefly built.

To

To punish such bold and impious Offenders as these, an Act of Parliament was made in the ninth Year of the Reign of King WILLIAM the Third, ^{9 & 10 W. III. C. 32.} whereby it is enacted, That if any Person, having been educated in, or at any Time having made Profession of the *Christian* Religion within this Realm, shall by Writing, Printing, Teaching, or ~~advised~~ Speaking, deny any one of the Persons in the Holy Trinity to be G O D, or shall assert and maintain, that there are more Gods than one, or shall deny the *Christian* Religion to be true, or the holy Scriptures of the *Old* and *New Testament* to be of divine Authority; being lawfully convicted by the Oath of two credible Witnesses, shall for the first Offence be adjudged incapable and disabled in Law to all Intents and Purposes, to have, hold, and enjoy any Office or Employment, Ecclesiastical, Civil, or Military whatsoever; and if at the Time of Conviction he is possess'd of any Office, &c. such Office, Place, or Employment, shall be void: For the second Offence, he shall be disabled to Sue, Prosecute, Plead, or use any Action, or Information, in any Court of Law or Equity;

Equality, or to be a Guardian, Executor, or Administrator, or capable of any Legacy, or Deed of Gift; or of any Office Civil or Military, or Benefice Ecclesiastical; and shall suffer three Years Imprisonment without Bail, from the Time of the Conviction.

This Act was not made to punish the Error, but the Impudence of the Offender. And if ever there was Occasion to put it in Execution, it is now, when several wicked Authors, in their pernicious Books, dare to blaspheme that holy Name, by which we are called, and even in a ludicrous Manner to write against the Deity, the Miracles, and meritorious Sufferings of our Blessed Lord and Saviour.

PRESENT all, that shall speak or do any Thing in contempt of the Holy Sacrament;

contrary to the Act of the First of

1. EL. VI. King EDWARD the Sixth; And

C. 1. all that shall disturb any Preacher

2. C. 2. allowed, in his open Sermon, or

1. W. & M. Collation, or be procuring or

C. 12. abetting thereunto.

You are to take Care, that the Laws against Immorality and Profaneness be strictly put in Execution, in pursuance of the excel-

lent Proclamation just now read to you. We neither want good Laws, nor due Encouragement from our Superiors, nor yet good Magistrates; but many of the Constables, and other inferior Officers, are so very negligent and remiss in their Duty of Informing against, and Prosecuting common Swearers, Drunkards, Sabbath-Breakers, &c. that they often render our Pains as it were ineffectual, for Promoting a general Reformation of Manners. Therefore make a strict Enquiry into, and make a due Presentment of the Neglects, or Connivances of all Officers of Justice concern'd in the Execution of the Laws, especially those against Immorality and Profaneness; for since we find by Experience, that they have so little Regard to the Glory of G O D, the Good of their Country, or their Oaths, it is highly conducive to their own Good, and to the better Demeanour of their Successors, that they should be made publick Examples of, and suffer Fine and Imprisonment, as the Court shall think fit.

THE second general Head relates to the King.

THE greatest Offence against him is High Treason.

BEFORE the Statute of the Twenty fifth of King EDWARD the Third, what was High Treason at the common Law being very uncertain, this Statute was made to reduce the several Species of Treason to a Certainty.

BY this Act, Compassing or Imagining the Death of the King, or Queen, or their eldest Son and Heir, and Declaring, by an open Act, a Design to depose, imprison, or murder the King, &c. is High Treason; so is levying War against him, or adhering to his Enemies within the Realm or without; and also counterfeiting his Great Seal, Privy Seal, or his Money current within the Realm. The several other Species of High Treason I omit to give you in Charge, because not likely at present to fall under your Cognizance and Enquiry. But before I proceed to other Things, I must mention to you one Act of Parliament made for Securing to us, and our latest Posterity, that invaluable Legacy of the *Hanover* Succession, left us by the

the great King WILLIAM of Glorious and
 Immortal Memory. And this is a Statute
 made in the sixth Year of the
 Reign of the late Queen ANNE, 6 Ann. c. 7.
 whereby it is made High Treason to maintain, by Writing, or Print-
 ing, That her then Majesty was not lawful
 Queen; or that the Pretender hath any Right
 to the Crown; or that any other Person hath
 any Right to the same, but by the Acts of
 Settlement; or that the King and Parliament
 cannot limit or bind the Succession of the
 Crown: And if the Offender maintain the
 same only by Words, it is a Premunire; but
 then, Information for the Words must be
 made before one or more Justices of the
 Peace, upon the Oaths of two credible Wit-
 nesses, within three Days after they are spo-
 ken, and the Prosecution must be within
 three Months after the same. This is neces-
 sary to bring the Offender to suffer the Pu-
 nishment for a Premunire; but the like
 Words, without these Circumstances or Qua-
 lifications, are Indictable as a High Mide-
 meanour at the common Law, as being a-
 gainst the Duty and Allegiance of every Sub-
 ject. And here I would remark to you, that

Altering or Limiting the Succession of the Crown is not unprecedented; for in the Reign of King HENRY the Eighth, he, with his Parliament, limited, order'd and settled the Succession of the Crown as they pleased; and in the thirteenth Year of Queen ^{13 Eliz. C. 1.} ELIZABETH, an Act was pass-
^{Raft. 27.} ed, that made it High Treason
^{3 Inst. 6, 10,} for any one during her Life,
^{12, 14.} and a Premunire afterwards, to
^{Coke's Inst. 4.} deny that such Power was in-
^{Part 36.} vested in the Queen and Parliament.

You are also to enquire of Misprision of Treason, which is a bare Knowledge of Treason without Assent to it.

AFTER Treasons, and Misprision of Treason, you are to Enquire of Felonies committed against the King, and which, for Distinction sake, may be call'd publick Felonies. Debasing the current Coin, and unlawfully Diminishing it are made Felony, by the Acts of the Sixth and Se-
^{6 & 7 W. III.} venth; and the Eighth, and
^{C. 17.} Ninth of King WILLIAM the
^{8 & 9 W. III.} Third. And so is Attempting
^{C. 25.} to kill, assault, or wound any
 Privy Counsellor in the Execution of his
 Office,

Office, by an Act of the Ninth of the late Queen ANNE. 9 Anne C. 16.

ANY Person going beyond the Seas, to serve any foreign Prince, without taking the Oath of Allegiance before his Departure, is to suffer Death as a Felon, by the Statute of the Third of King 3 Jac. I.
C. 4.
JAMES the First.

EMBEZZELLING his Majesty's Armour, Ordnance, Shot, Powder, and other Habili-ments of War, or Victuals provided for Sol-diers, by any Persons having the Charge or Custody of the same, to the Value of twenty Shillings, tho' at several Times, is made Felony, by an Act of the Thirty first of ELIZABETH. And so is 31 Eliz. C. 4.
Stealing or Embezzelling his Ma-jesty's Naval Stores, by an Act 22 Car. II.
C. 5.
of the Twenty second of King
CHARLES the Second.

COUNTERFEITING the King's Stamps, or Uttering, Vending or Selling any Vellum, Parchment, or Paper with counterfeit Marks, knowing them to be so, is Fe-lony by the Statute of the Tenth 10 W. III.
C. 25.
of King WILLIAM the Third.
And so is privately and fraudulently Using

any Stamps, to defraud his Majesty of his Duties, by two Acts of Parliament, one of the Tenth, and the other the Twelfth, of Queen
 10 *Anne C.*
 19. 26.
 12 *Anne C.*
 9. 19. ANNE.

YOU are also to present the Authors, Printers and Publishers of all treasonable and seditious Books, Pamphlets and Ballads reflecting upon his Majesty's sacred Person, or his Administration.

THE third general Head of Offences concerns your Neighbour, or Fellow Subject.

OF these, some are Capital.

1. SUCH as are committed against his Life, as Murder, which is a voluntary Killing of another with Malice prepensed, expressed, or implied; or Manslaughter without Malice, when two quarrel and fight instantly before they grow cool again, and one of them is kill'd; or sometimes Chance medly, as doing a lawful Act without an Intent to hurt, and Death ensues.

2. SUCH

2, SUCH as concern his Goods, as Grand Larceny, or a Felonious and Fraudulent Taking or Carrying away, but not from his Person, or out of his House, above the Value of twelve Pence; Petty Larceny, if under that Value, Robbery, which always supposeth the Taking away of the Money, or Goods, from the Person, or out of his House, he or his Family living in it, to be with Force and Violence; otherwise being privately and secretly done, it is call'd Larceny from the Person.

PICKING a Pocket, or Cutting a Purse, is a capital Offence, by the Statute of the Eighth of Queen ELIZABETH. So is Horse-stealing, by the Second and Third of King EDWARD the Sixth, and other Statutes.

By an Act of the Third and Fourth of King WILLIAM and Queen MARY, if any Person take away, with an Intent to steal, any Goods to the Value of forty Shillings, which they are to use in their Lodgings, it is Felony.

As it is by the Statute of the
 21 Hen. VIII. Twenty first of King HENRY
 C. 7. the Eighth, for a Servant of the
 Age of Eighteen, and not an Apprentice,
 to withdraw himself with the Goods of his
 Master or Mistress, with an Intent to steal
 the same; or without their Assent or Com-
 mandment, embezzel their Goods with the
 same Intent, to the Value of forty Shil-
 lings.

By the Statute of the Tenth
 10 & 11 W.
 III. C. 23. and Eleventh of King WILLI-
 AM the Third, Stealing out of
 any Shop, Ware-house, Coach-house, or Sta-
 ble, by Night or Day, to the Value of five
 Shillings, tho' the Shop, &c. be not broke
 open, or any Person put in Fear, is Felony
 without Clergy: So is Assisting, Hiring, or
 Commanding any Person to commit such Of-
 fence.

STEALING to the Value of forty Shil-
 lings, or more, out of a Dwelling-House, is
 also Felony without Clergy, by
 12 Anne C. 7. an Act of the Twelfth of Queen
 ANNE.

COUN-

COUNTERFEITING Bank 8 & 9 W. III.
 Notes, Exchequer Bills, South C. 19.
 Sea Bonds, or Lottery Orders, 7 & 8 W. III.
 are capital Offences by several C. 31.
 Statutes made in the Reigns 8 & 9 W. III.
 of King WILLIAM, Queen C. 23.
 ANNE, and the late King 3 Anne C. 13.
 GEORGE, 7 Anne C. 7.
 9 Anne C. 7.
 1 Geo. I. C. 12.
 9 Anne C. 21.
 12 Anne C. 2.

COUNTERFEITING or Forging, or Af-
 fisting in the Counterfeiting and Forging any
 Letter of Attorney, or other Authority, to
 transfer the Shares of any Proprietor in the
 Capital Stock of any Body, or Bodies Poli-
 tick, or Corporate, established by an Act of
 Parliament; or falsely Personating the true
 Proprietor of any such Shares, &c. or Re-
 ceiving, or Endeavouring to receive the Mo-
 ney of any such Proprietor, as if he was the
 true Proprietor, by Counterfeiting his Name,
 &c. is Felony without Clergy,
 by the Statute of the Eighth of 8 Geo. I. C. 23.
 the late King GEORGE.

3. You are to enquire of such Offences,
 as concern your Neighbour's Habitation, as
 Burglary, or Breaking and Entering the
 Mansion-House of another in the Night
 Time,

Time, with an Intent to commit some Felony; and House Burning, which takes in the voluntary and malicious Burning of Out-houses, Stablings, or Barns with Hay, or Corn in them, as well as the Mansion-House strictly so call'd.

THERE are likewise many other Offences enquirable by you, which are made Felony by several Statutes. I shall mention some of them.

As all Rapes and Ravishments of Women, by the Thirteenth of King EDWARD the First, and the Sixth of King RICHARD the Second. And also forcibly Marrying Women of Substance in Goods or Lands, against their Wills, and receiving such Offenders, knowing thereof, or abetting the same, is made Felony, by the Third of King HENRY the Seventh, and the Thirty ninth of Queen ELIZABETH. To lie with any Woman Child under ten Years old, tho' with her Consent, is Felony, by the Eighteenth of Queen ELIZABETH. To cut out the Tongue, or put out the Eyes of any Person, is Felony,

lony, by the Fifth of King 25 Hen. IV. C. 5.
 HENRY the Fourth. And by 22 & 23 Car. II. C. 1.
 the Twenty second and Twenty
 third of King CHARLES the
 Second, commonly call'd the *Crownery Act*,
 all such as on Purpose, and of Malice fore-
 thought, and by Lying in Wait, unlawfully
 cut out or disable the Tongue, put out an
 Eye, slit the Nose, cut off a Nose or Lip,
 or cut off or disable any Limb, with an In-
 tent to Disfigure any Person, it is Felony in
 him, his Aiders and Abettors.

If any Owner, Captain, Master, or Ma-
 riner, or other Officer belonging to a Ship,
 shall wilfully cast away, burn, or destroy the
 Ship, or procure the same to be done, to
 the Prejudice of any Person, who shall un-
 derwrite any Policy of Insurance thereon,
 or of any Merchant that shall
 load Goods thereon, it is Fe- 4 Geo. C. 12.
 lony, by an Act of the Fourth
 of the late King GEORGE.

A LISTED Soldier, departing from his
 Captain without Leave, is Guilty of Felony
 by the Eighteenth of King 18 Hen. VI. C. 19.
 HENRY the Sixth, and the Se- 2 Edw. VI. C. 2.
 cond of EDWARD the Sixth.

And

And any Soldier raising a Mutiny in the Army, or refusing to obey his superior Officer, or resisting any Officer in the Execution of his Office, or striking, drawing, or offering to draw, or lift up any Weapon against his superior Officer, is also guilty of Felony, by an Act of the tenth Year of the Reign of Queen ANNE.

STEALING, or Taking away any Record is Felony by the Statute of the Eighth of King HENRY the Sixth, and is so acknowledging any Bail, Recognizance, Statute, or Statutes, or Deed inrolled in the Name of another, not privy or consenting thereunto, by the Statute of the Twenty first of King JAMES the First; and Forging a Deed, after a former Conviction for the like Offence, is made Felony by the Fifth of Queen ELIZABETH.

A FELON'S Escaping before Transportation, or Returning from Abroad before the Time expired, for which he was ordered to

be

be Transported, is made a capital Offence, by the Sixth of the late King GEORGE. 6th Geo. I. C. 14.

If eight Persons, or more, Assault or Wound any Officers of the Customs in the Execution of their Duty, it is Transportation for seven Years, and if the Offender return within that Time, then he is to suffer as a Felon, by another Act of the Sixth of the late King GEORGE. 6th Geo. I. C. 11.

MALICIOUSLY Setting on Fire, Burning, or Causing to be Burnt any Wood, Underwood, or Coppice, or any Part thereof, is made Felony, by an Act of the First of the late King GEORGE. 1st Geo. I. C. 18.

If twelve Persons, or more, are riotously and tumultuously assembled together, and by Proclamation made by a Justice of the Peace, Mayor, Bayliff, or other head Officer, they are commanded to disperse themselves, and depart to their Habitation, &c. and if they continue together an Hour after, it is Felony without Clergy, by an Act of the First of the late King GEORGE. 1st Geo. I. C. 5.

As it is by the same

Act

Act to demolish and pull down, or begin to demolish and pull down any Church, Chapel, or any Meeting-House for Religious Worship, certified and registered according to the Statute of the First of ^{1 W. & M.} King WILLIAM and Queen ^{1. C. 18.} MARY, or any Barn, Stable, or other Outhouse, or knowingly to hinder or hurt any Person beginning to make Proclamation, whereby such Proclamations shall not be made, is also Felony; as it is in the Rioters, to whom it should have been made; if they do not disperse themselves, but continue together an Hour after such Lett or Hindrance.

⁸ BANKRUPTS, Removing, Concealing or Embezzelling any Money, Effects, &c. to the Value of twenty Pounds, are ^{5 Geo. I. C. 9.} Guilty of Felony, by an Act of the Fifth of the late King GEORGE.

TRANSPORTING live Sheep, or Lambs, out of the King's Dominions, is Felony for the second Offence, by an Act ^{8 Eliz. C. 3.} of the Eighth of Queen ELIZABETH. The Punishment for the first Offence is Forfeiture of Goods and Chattels,

Chattels, and Loss of the Offender's left Hand, which is to be cut off in some open Market, and Imprisonment for a Year. Maliciously and Willingly Killing any Horses, Sheep, or other Cattle in the Night Time, is Felony, by the Twenty second and Twenty third of King ^{22 & 23 Car.} CHARLES the Second. Marrying a second Husband or Wife, the former being alive, is also Felony, by the Act of the First of King ^{1 Jac. I. C. 11.} JAMES the First.

By the Statutes of the Fourth and Sixth of the late King ^{4 Geo. I. C. 11.} GEORGE, to take Money or ^{6 Geo. I. C. 23.} Reward, Directly or Indirectly, under Pretence, or upon Account of Helping another to stolen Goods or Chattels, unless such Person apprehends the Felon, who stole the Goods, and brings him to Tryal, and gives Evidence against him, he shall suffer, as if he had Stolen the Goods himself. The late *Jonathan Wild* was Convicted and Executed for this Crime.

PERSONS going arm'd, having their Faces blacked, or otherwise disguised, appearing in any Forest, Chase, Park, Paddock, &c. Hunting,

Hunting, Wounding, Killing, or Stealing any Red or Fallow Deer; or Robbing any Warren, or Place, where Conies or Hares are usually kept; or Stealing any Fish out of any River or Pond; or maliciously Killing or Wounding any Cattle; or Cutting down, or otherwise Destroying any Trees planted in any Avenue, or growing in any Garden, Orchard, or Plantation for Ornament, Shelter, or Profit; or Setting fire to any House, Barn, or Outhouse, or Stack of Corn, Straw, Hay or Wood; or wilfully and maliciously Shooting at any Person in any Dwelling-house; or knowingly sending a Letter without a Name subscribed thereto, or sign'd with a fictitious Name, demanding Money, Venison, or other valuable Thing; every Person, offending in any of these Particulars, is guilty of Felony without Clergy, by an Act of the Ninth of the late King GEORGE.

25 Hen. VIII.

C. 6. 32 H.

VIII. C. 3.

2 & 3 Edw.

VI. C. 29.

Repealed by

1 M. I. C. 1.

Revived and

made Perpetual by 5 Eliz.

C. 17.

I SHALL mention but one Crime more, that is a Felony by Statute, and that is, The most Detestable and Unnatural Sin of Sodomy: A Crime, that GOD Almighty punished with one

one of the most signal and remarkable Judgments, that ever he inflicted upon any Nation or People. And may not we expect some extraordinary Punishments from Heaven, when the vilest Abomination of the *Heathen* World, and a Sin, not to be named amongst *Christians*, prevails in a Nation, that for so many Years has enjoy'd the Light of the *Gospel* in the Power and Purity of it? It is not only under our own Constitution, but in all civilized Nations, that the Laws have severely punish'd this execrable Crime. I hope therefore you will do your Duty, not only in Finding out and Punishing these abominable Offenders against GOD, the Law, and human Nature; but also by Presenting those Houses, that harbour and entertain them. Several Persons for keeping Disorderly Houses of this Kind have lately been Pilloried, Fined and Imprisoned. And I hope, that the rest of these Miscreants will be brought to condign Punishment, that so this horrible Wickedness, that 'till of late rarely appear'd in our Histories or Records, may be intirely suppress'd, and rooted out from amongst us.

2. OF Offences not Capital, you are to present all Riots, Routs, and unlawful Assemblies, Assaults, Batteries, and all other Breaches of the Peace. All common Nuisances, Houses of common Lewdness and Gaming, and Disorderly Houses. Those Houses and Shops where People frequently get Drunk with *Geneva*, and other Liquors of that Kind, are Indictable as Disorderly Houses, whether they have or have not Licences.

You are to enquire of all Want of due Repairs in Bridges, Common Highways, Streets, and Pavements; and of all Kinds of Trespasses and Misdemeanours whatsoever. But for a more particular Account of these Offences of the lower Kind, I refer you to my Charge the last Quarter-Sessions, which the Court was pleased to Order to be Printed and Publish'd. A Copy of which I have directed to be given to every one of you, for your Use on this present, or any future Service of this Nature,

To

TO CONCLUDE, GENTLEMEN. As you are to enquire of, and present all Offences against the Laws of GOD, and the Laws of the Land, so I hope, that you will acquit yourselves with all Honesty, Diligence, and Impartiality; and we shall find by your Presentments, that you have a well grounded Zeal for the Honour and Glory of Almighty GOD, a true Love to your Country, a most sincere and affectionate Loyalty to his Sacred Majesty King GEORGE the Second, upon whom, and his Royal Progeny, next under GOD, our Safety and Happiness depends; and a tender and conscientious Regard to the solemn Oath, which you have taken in the Face of this Court, for the true Performance of your Duty; always Remembering the strict Account, that you must give at the last Day, of all your publick and private Actions, before the great Tribunal. And now, GENTLEMEN, without Detaining you any longer, I dismiss you to your Enquiries.

To the Right Honourable, the Lord High Treasurer, As you
are so much of, and present all of us, and
grant the Laws of GOD, and the Laws of
the Land, I hope, that you will support your
Lords with all Honesty, Diligence, and In-
tegrity, and we shall find by your Proce-
dure, that you have a well grounded Zeal
for the Honour and Glory of Almighty
GOD, and true Love to your Country, and
yourself sincere and affectionate Loyalty to his
Sacred Majesty King George the Second,
upon whom, and his Royal Progeny, next
under GOD, our Safety and Happiness de-
pends, and a tender and conscientious Re-
gard to the solemn Oath, which you have
taken in the Face of this Court, for the
Performance of your Duty: always Re-
membering the British Account that you must
give at the last Day, of all your publick and
private Actions before the great Tribunal,
and how GOD will reward, without Delay,
the good, and punish the evil of your
Administration.

THE
CHARGE

OF

Sir John Gonson Kn^t.

TO THE

GRAND JURY

OF THE

Royalty of the Tower of London,
and Liberties and Precincts thereof.

At the General Quarter-Sessions of the Peace
for the said *Royalty*, &c. held the Sixteenth
Day of July, 1728, at the Court-House on
Great Tower-Hill.

*Printed at the Desire of the Justices of the
Peace for the said Royalty, and of the
Grand Jury.*

The FOURTH EDITION.

L O N D O N :

Printed by CHARLES ACKERS. * MDCCXL,

Turr' & Libertat.
Turr' London.

ff. *Ad Generalem Quarterialem
Sessionem Pacis Domini Regis
tent' apud le Court-house super
Towerhill magna, infra Liber-
tat' Turr' dicti Domini Regis
London. Prædict' in & pro
Libertat' Prædict' & Præcinct'
ejusdem, Die Martis (scilicet)
Decimo Sexto Die Julii, Anno
Regni Domini Georgii Secundi,
nunc Regis Magnæ Britanniae,
&c. secundo.*

WHEREAS Sir John Gonson Knight, Chair-
man at this General Quarter-Sessions of
the Peace, held for the Tower of London Liberties,
and Precincts thereof, hath this Day given to
the Grand Jury, sworn at this present Sessions of
the Peace, held for the said Liberty, a Loyal,
Learned and Ingenious Charge, and tending much
to the Promoting of Virtue and Religion; it is
unanimously Agreed, and Ordered by this Court,
That the Thanks of this Court be, and the same
are hereby given to the said Sir John Gonson for
such his Charge. And further, this Court desires,
that he would be pleased to cause the same to be
Printed.

Per Curiam

BRUNCKER.



To the WORSHIPFUL

Sir John Gonson Kn^t.

CHAIRMAN of the General Quarter-Sessions of the Peace, held for his Majesty's *Royalty* of the *Tower* of *London*, the sixteenth Day of *July*, 1728.

WE the Grand Jury, sworn to enquire for the Body of the *Royalty* of the *Tower* of *London*, having this Day received a most Loyal, Learned, and Ingenious Charge

by your Worship, Do hereby return
you our most hearty Thanks for
the same; and pray, that you will
be pleased, to cause the same to be
Printed.

Henry Willoughby.

Henry Dean.

Ralph Arnold.

James Wood.

Peter Gayd.

Tho. Hutchinson.

Tho. Simmons.

Wm. Hookham.

Will. Higgins.

Sam. Knowles.

James Swaine.

John Smith.

Charles Woolmer.

Wm. Harper.

Wm. White.

John Harper.

Richard Brett.



W
Royal, learned, and ingenious Charge
having this Day received a most
Royalty of the Tower of London,
and the Body of the
to

E H T
E 4
by



THE
CHARGE

O F

Sir John Gonson Kn.

Gentlemen of the Grand Jury,



It is the peculiar Happiness
and Glory of us in Great
Britain to be in the strict-
est Sense a free People,
and to live under a Consti-
tution of Government so
admirably fram'd, that it
secures as great Powers and Prerogatives to
the Crown, as any wise and good Prince can
desire,

King, who will own his People as Subjects
 and not as Slaves; and at the same Time re-
 serves most valuable Rights and Liberties to
 the People. There is that due Balance in
 Property, Power and Dominion in our Con-
 stitution, that, like the ancient Government
 of *Sparta*, it may be call'd an Empire of
 Laws, and not of Men. Every Subject of
Great Britain has the same Right to what
 he can acquire by his Labour, and Industry,
 as the King hath to his Crown; no Man can
 be Imprisoned, unless he has transgressed a
 Law made by the Representatives of his own
 Choosing, nor be Tried but by a Jury of his
 Neighbours. A greater Inheritance (saith my
 Lord *Coke*) is derived to us by our Laws,
 than from our Parents. For without the
 former what would the latter signify?

And as this most happy Constitution hath
 been maintained at the Expence of Millions
 of Treasure, and came down to us swim-
 ming in the Blood of our Ancestors, who
 always esteemed it the most valuable Legacy,
 which they could leave to their Posterity; so
 GOD Almighty, by a kind and over-ruling
 Providence, hath still preserved us a free Peo-
 ple; our Government having stood the Shock
 of

of Ages from its Original; particularly of the last, when so many Attempts were made to turn our limited Monarchy into Tyranny. And this inestimable Blessing we ought the more to value, if we look Abroad into the Kingdoms, that lie nearest and are best known to us; in some of which we shall not find the very Shadow of Liberty left; and in many there is no more than the Name of it remaining. *Spain, Portugal, Sweden, Denmark* and *France* were all, an Age or two ago, limited Monarchies, govern'd by Princes well advised by Parliaments or Cortes, and not by the absolute Will of one Man. But now all their valuable Rights and Liberties are swallowed up by the arbitrary Power of their Princes; whilst we, happy *Britons*, are in many Things the Envy as well as the Wonder of other Nations, and almost the last of the *Northern Kingdoms of Europe*, that have preserved this our ancient and well balanced Government. Remarkable is that Account, which we read of concerning *Monsieur MEZERAY*, the famous *French* Historian, who towards the Close of the last Century, discoursing with a Person of *Mr. Hampden* Quality of our own Nation, a-
bout

bout the Difference of Government in *France*
 and *England*, broke out into these Expressi-
 ons, " We had once in *France* (says he) the
 " same Happiness and the same Privileges,
 " which you have; our Laws were made by
 " Representatives of our own Choosing; our
 " Money was not taken from us, but by our
 " own Consent; our Kings were subject to
 " the Rules of Law and Reason: But now,
 " alas! we are miserable, and all is lost.
 " Think nothing, Sir, too dear to maintain
 " these precious Advantages, and, if ever
 " there be Occasion, venture your Life and
 " Estate, and all you have, rather than sub-
 " mit to the Condition, you see us reduced
 " to."

Thus sensibly did this great Man lament
 the lost Liberties of his Country.

As to the Excellency, Wisdom and Justice
 of our Laws, the daily Benefits and Advan-
 tages, which we all receive from them, give
 them a Character beyond all the Rhetorick
 imaginable.

We of this Age enjoy such a Collection
 of Blessings, as ought to be viewed with the
 highest Sentiments of Joy and Thanksgiving
 to Almighty G O D. A King upon the
 Throne

Throne form'd for the Happiness of all, that live under his Government, who is ever Securing and inviolably Maintaining all the legal Rights and Liberties of his Subjects, and whose only Ambition is to make them all easy and happy. And with such a King we have a most Virtuous, Pious and Excellent Queen, and a numerous Royal Progeny, eminent for all princely Virtues and Endowments, promising Happiness to our latest Posterity at distant Ages.

GENTLEMEN,

OUR most admirable Laws preserve their Honour, and best exert their Power and Force, by a due, impartial and vigorous Execution, and an equal Distribution of Justice. And our Lives, Liberties, and Properties, in a great Measure, depend upon the due Execution of that great Power, which, by the Wisdom of our Constitution, is intrusted with Grand and Petty Juries. You are therefore summoned here, and sworn to enquire, and present to us all such Crimes and Offences, as fall within the Cognizance of this Court.

ALL Manner of Crimes are presentable by you, from the highest to the lowest Offences,
from

from High Treason to Trespafs: But tho' High Treason, Petty Treason, Burglary, and Felonies of all Sorts are enquirable by you and every Grand Jury; yet because Bills of Indictment for these Crimes are seldom or never brought before you at this Quarter-Sessions, but prosecuted at another Place, I shall omit to give you in Charge any capital Offences, and confine myself to those Offences only, that are both Enquirable and Punishable here.

IN the first Place, the Honour and Service of Almighty GOD ought to be our chiefest Care. And we should all endeavour, if possible, to put a Stop to that Deluge of Profaneness, that has so overspread the Nation; and it were happy, if our Holy Religion did not suffer as well from its Enemies Diligence to corrupt our Principles, as from the wicked Lives of its Professors.

THEREFORE you are to enquire of all Offences against the Act of the ninth Year of King WILLIAM the Third, for 9 & 10. W. III. the more effectual Suppressing C. 32. Blasphemy and Profaneness; and particularly of all Books and Pamphlets wrote
 2
 against

against the *Christian* Religion, or the divine Authority of the Holy Scriptures.

If you cannot find out the Authors, present the Printers and Publishers of all these Wicked and Blasphemous Books.

You have heard his Majesty's Proclamation read to you, for the Encouragement of Piety and Virtue, and for the Preventing and Punishing of Vice, Profaneness, and Immorality, and the Causing it to be thus publickly read, is one Part of the Duty of the Court, but not the whole; for his Majesty therein commands his Judges of Assize at their Assizes, and his Justices of the Peace at their General Quarter-Sessions, to give strict Charges for the effectual Prosecution and Punishment of the Offenders of all Sorts and Kinds mentioned therein: And also of all Persons, that, contrary to their Duty, shall be Remiss and Negligent in Putting these good Laws in Execution. The Offences, expressly mentioned in this most Excellent Proclamation, are, Excessive Drinking, Blasphemy, Profane Swearing and Cursing, Lewdness, Profanation of the LORD's Day; all publick Gaming, and Gaming-Houses, and other lewd and disorderly Practices.

DRUNKEN-

DRUNKENNESS is a Vice, that calls aloud for your Redress upon a double Account; 1. Upon a Religious one, as it is an Offence against Almighty G O D; and, 2. Upon a Political one, because it reduces whole Families to Poverty and Ruin. One of our Statutes fixes this infamous Character upon the Vice of Drunkenness, That it is Odious and Loathsome, the Root and Foundation of Blood-shed, Stabbing, Murder, Swearing, Fornication, Adultery, and such like enormous Sins, to the great Dishonour of Almighty G O D, and of our Nation, the Overthrow of many good Arts and Manual Trades, the Disabling of divers Workmen, and the general Impoverishment of many good Subjects, abusively Wasting the good Creatures of G O D.

It is this was a lively Description of the sad and fatal Consequences of this brutish Immorality at the Passing of this Act, which is above a hundred and twenty Years ago, when the Nation in general was, comparatively speaking, much more Virtuous than it is now; What abundant Reason have we to do our utmost to suppress this Vice, that

is

is so recent amongst us, and which, daily Experience shews, often drowns the best Natural Parts, and renders Men wholly un- serviceable to the Community?

A COMMON Drunkard is Indictable in Sessions, as well as Punishable in a summary Way; and yet we seldom hear of any Offenders of this Kind presented by Grand Juries, notwithstanding this Offence is so common and notorious.

A COMMON Swearer is a Nuisance to the Place where he lives. I am sorry, that it is still too true, what that great and good Man, Arch-Bishop TILLOTSON, says in a Sermon against Swearing, That a Man cannot walk the Streets without having his Ears grated with this hellish Noise. We may justly wonder at the Patience and merciful Forbearance of our Great GOD, in not Punishing these impious Wretches, by an immediate Stroke of his Almighty Vengeance, in not Sinking them quick into that irrecoverable State of Damnation, which they so often and earnestly imprecate upon themselves, for the Confirmation of some trifling Matter, and sometimes of a downright Falshood. And as this is a Sin very Dishonourable to GOD; so it is in

this Particular extremely Dangerous to human Societies: For profane Curſing and Swearing contributes much to the Growth of Perjury. Oaths are little minded, when common Uſe has ſullied them, and every Minute's Repetition has made them cheap and common. Who can believe, that a Man, who hourly provokes G O D by raſh and vain Swearing, ſhould ſtick at a falſe Oath, whenever his Ambition, his Covetouſneſs, or his Revenge prompt him to it, and importunately demand to be gratified, tho' at ſo vaſt a Price? Beſides, At how low a Rate do ſuch Men value their Souls, who expoſe them to the Wrath of G O D, and Eternal Damnation, by a Sin, from which they cannot reap the leaſt Profit or Pleaſure?

If any Conſtables are Remiſs or Negligent in their Duty, in Taking up and Giving Information againſt theſe Offenders, it is your Duty to Preſent ſuch Conſtables, that they may be Punished and Fined.

THE Profanation of the L O R D's Day is of late very Notorious, and yet pleaded for by ſome amongſt us as Warrantable. Whatever Diſputes there may be about the Morality of the Fourth Commandment, it
I
is

is generally agreed amongst pious Christians, that this Day ought to be devoutly and religiously observ'd and kept holy:

1 Car. I. C. 1.
3 Car. I. C. 2.
29 Car. II.
C. 7.

This the *Homilies* of our Church, and our Laws require. The Lord Chief Justice HALE, who was an excellent Christian as well as a great Lawyer, made it his Observation, that the more strictly he kept *Sunday*, the better Success he always had in his worldly Affairs the Week following.

His Life by
Dr. Burnet
late Bishop
of Sarum.

You are to present to this Court, all such Persons who do not come to Church, or some Religious Meeting, allowed by Law, every *Sunday*.

1 Eliz. C. 2.
23 Eliz. C. 1.
3 Jac. I. C. 4.
1 W. & M.
Sess. 1. C. 13.

You are to enquire of Perjury, and Subornation of Perjury, which, as I observed before, does, in a great Measure, owe its dreadful Encrease to the impious Custom of profane Cursing and Swearing in common Conversation. These Offences of Perjury, and Subornation of Perjury, are more Heinous, and deserve a severer Punishment, because they are committed with Thought and great Deliberation, and carry along with them a

5 Eliz. C. 9.

high Affront to the Majesty of GOD, and great Injustice and Injury to Men; the Consequences of them are the Ruin of innocent Persons, who sometimes lose their Lives, and often their Estates, and good Names, by the false Oaths of perjured Wretches.

ALL these in their Nature are more immediate Offences against Almighty GOD, and his Holy Religion established amongst us,

YOU are likewise to enquire of such Offences, as are committed against your Neighbours, or Fellow Subjects, and which Injure them in their Persons, their Properties, or their Reputations.

YOU are to enquire of Petty Larceny, which is Stealing any Thing under the Value of twelve Pence.

YOU are also to present all Assaults, Batteries, Affrays; and in general, all Breaches of the Peace, all forcible Entries, and Detainers of Lands and Tenements by Force.

5 R. II. C. 7. A FORCIBLE Entry is, where
15 R. H. C. 2. one or more Persons, with Wea-
8 H. VI. C. 9. pons not usually born, have vio-
31 Eliz. C. 11. lently enter'd into the House or
21 J. I. C. 15. Land

Land of another; or where one or more have entered peaceably, the Door being open, and there have forcibly put another out of Possession.

A **FORCIBLE Detainer** is, where one or more have entered peaceably into the House, or Land of another, and then have detained the Possession thereof with Force and Arms.

You are to enquire of all Riots, Routs, and unlawful Assemblies.

A **RIOT** is, where three Persons or more are met together to do an unlawful Act, as to beat a Man, lay open his Fence, and the like, and have done the same.

34 E. III. C. 1.
17 R. II. C. 8.
13 H. IV. C. 7.
19 H. VII.
C. 13.

A **ROUT** is, where three Persons or more have met together to do an unlawful Act, and move from the Place where they first met, but afterwards part without doing the Act.

An **unlawful Assembly** is, when three Persons or more meet together to do an unlawful Act, and part without doing the same, or Moving forward for that Purpose.

5 & 6 Ed. VI. C. 14. You are to present all Fore-
 stallers, Regrators, and Ingross-
 ers. These our Laws esteem
 great Offenders, who without any real Cause,
 enhance the Price of Corn, and other Vic-
 tuals, and thereby occasion Uneasiness, Dis-
 content, and Murmuring, especially among
 the lower Sort of People.

FORESTALLING is, Buying up Com-
 modities by the Way, before they come to
 Market.

REGRATING is, Buying Corn or other
 Victuals, in the Market, and Selling it again
 in the same Market, or in any other within
 four Miles.

ENGROSSING is, Buying up great Quan-
 tities of Corn, or other Victuals, and Selling
 the same again.

THESE Offenders, for the first Offence,
 forfeit the Value of the Goods, and are to
 suffer two Months Imprisonment: For the
 second Offence, double the Value of the
 Goods, and six Months Imprisonment: And
 for the third Offence they shall forfeit all
 their Goods, stand in the Pillory, and be Im-
 prisoned during the King's Pleasure.

You

You are to enquire of Barretry, Maintenance, Champerty, and Embracery: These are also great Crimes, and it is Pity, that they are not oftner prosecuted.

BARRETRY is, Stirring up of Suits and Quarrels amongst the King's Subjects, which otherwise would be in Peace. 33 E. I. Stat. 1.

MAINTENANCE is, the Taking in Hand, Bearing up, or Upholding of Quarrels, or Sides, to the Disturbance or Hindrance of common Right. 1 E. III. C. 14.
20 E. III. C. 4.
1 R. II. C. 4.

CHAMPERTY is, the Maintaining and Carrying on of Suits and Causes at their own Costs and Charges, to have Part of the Land or Thing in Question, or Part of the Gains. 33 E. I. Stat. 2.
3 Ed. I. C. 25.
33 E. I. Stat. 3.

EMBRACERY is, and an Embracerer is, one, that, when a Matter is at Trial, comes for a Reward to the Bar, being no Lawyer nor Witness, and speaks in Favour of one of the Parties, or labours the Jury, or uses any unlawful Practice, to make them

give their Verdict as he would have them.

You are to present all Bawdy-houses, Gaming-houses, disorderly Houses, and unlicensed Alehouses. Those Houses and Shops, where People frequently get drunk with Geneva, or other spirituous Liquors, are indictable as disorderly Houses, whether they have or have not Licences.

Nothing is more Destructive either to the Health, or Industry of the poorer Sort of People, on whose Labour and Strength the Support of the Community so much depends, than the immoderate Drinking of Geneva. It is common for a starving Sot, intoxicated with this or the like Liquors, to behold his Rags and Nakedness with a stupid Indolence, and either in senseless Laughter, or in low and insipid Jest, to banter all Prudence and Frugality, drowning his pinching Cares, and losing, with his Reason, all anxious Reflections on a Wife, or Children, perhaps crying for Bread in a horrid empty Home. In hot Tempers, it lets loose the Tongue to all the Indecencies and Rudeness of the most provoking Language, as well as the most hellish.

lish Oaths and Curses, and is frequently followed by Quarrels and Fightings, and sometimes has been the Cause of Murder. Besides all this, these Houses and Shops are the Receptacles of Thieves and Robbers, and often the Original of them too: For when a Wretch has spent and wasted that, which should support himself, and his Family, it is here, that they Associate and turn House-Breakers, and Street-Robbers, and so, by quick Progressions, at last make an Exit at the Gallows.

OUR Laws have not only taken a great Deal of Care to punish all Breaches of the Peace; but also in several Instances what only tends to a Breach of the Peace, as Challenging another to Fight. Also all Libels against private Persons are Indictable: For it is as just, that Reputation should be guarded and defended by Law, as that Property should.

THEREFORE Writing a scandalous Letter concerning any one, directed either to the Party himself, or to a third Person, is punishable in this Court; and putting such a Letter

Letter into the Post, hath been adjudged a Publication of the Libel.

You are to enquire if the Clerk of the Peace, Coroner, Gentleman-Goaler, and all other Officers of this *Royalty*, perform their respective Duties.

WHETHER they, or any other judicial Officers, are guilty of Bribery, by Taking Gifts or Rewards to pervert Justice; or are guilty of Extortion, by Taking Fees, where none are due, or before they are due; or greater Fees than by Law are due to them; and particularly enquire of the Extortion of Goalers and Bailiffs.

You are to enquire, whether the Offenders sent to the House of Correction are set to Work as they ought, and receive their due Punishments; and whether the Governour or Keeper thereof doth his Duty therein; of which a true Account is to be render'd every Quarter-Sessions.

If any Constables omit or neglect to make Presentments to this Court of any Annoyances, common Nufances, or notorious Offences

fences in their respective Neighbourhoods; you ought to present such Constables.

You are also to present all treasonable and seditious Libels against his Majesty and his Ministers of State, or other great Men, or Magistrates; these are Indictable at common Law.

You are to enquire of all publick Nuisances, the Want of due Repairs in common Highways, Streets, and Pavements. But I refer you, for a more distinct and particular Account of these Offences, to my Charge given to the Grand Jury of the City and Liberty of *Westminster*, at the last *Easter* Quarter-Sessions held there, which that Court was pleased to Order to be Printed and Published; a Copy of which I have directed to be given to each of you, GENTLEMEN, who are sworn upon this Grand Jury, for your Use on this present, or any future Service of this Kind.

GENTLEMEN,

THE Oath, that you have taken, obliges you to present all such Matters and Things,

as

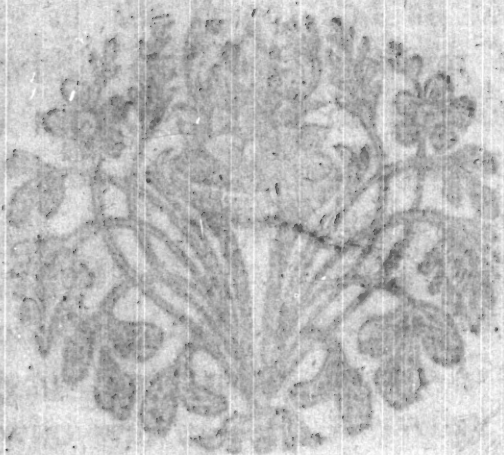
as come to your Knowledge, touching this present Service, as well as such Offences that shall be given you in Charge; and by the Statute of the Third of King HENRY the Seventh, if a Grand Jury Conceal any Thing, which they ought to present, the Justices may, within a Year, impanel another Jury to enquire of such Concealment, and upon Conviction, Fine every one of the former Jury at the Discretion of the Court: So earnestly the Law insists upon your doing your Duty. Therefore you must present all Nufances, Annoyances, Houses of Lewdness, and common Gaming; disorderly Geneva-Shops, common Gamesters, common Drunkards, and Disturbers of the Peace, and all other Offenders within this *Royalty*, as far as shall come to the Knowledge of any of you; which if you neglect to do, and leave any unpresented for Love, Favour, c. Affection, Gain, Reward or Hopes thereof, you'll break your promissory Oath; I mean, that solemn Appeal you lately made to the GOD of Truth, who will not fail to avenge it upon your selves, and your Families; *for he will not hold him guiltless, who takes his Name in vain.*

I

vain. But that you may the better Keep your Oaths, and Discharge your Duty with the greater Sincerity and Diligence, let me advise you seriously to think of the General Appearance, which we must all one Day make before the Awful Tribunal of the Great GOD, in Comparison of which, the most Solemn and August Judicature here upon Earth (tho' it may feintly Represent it to our Thoughts) is but a Piece of formal and vain Pageantry.



1823
I am glad that you may be better
your Obedience and Discharge your Duty with
the great Sincerity and Diligence, for me
some you seriously to think of the Council
appearance, which we must all one Day
make before the awful Tribunal of the
Great GOD, in Comparison of which, the
most solemn and august Judgments here
good things (as they may seem) are but
as to our Thoughts, as but a Piece of formal
and vain Ceremony.



THE *Fourth*
~~Third~~ CHARGE

OF

Sir *John Gonson* Kn^t.

TO THE

GRAND JURY

OF THE

CITY and LIBERTY of
WESTMINSTER, &c.

At the General Quarter-Sessions of
the Peace, held the Ninth Day
of *October*, 1728, in WESTMIN-
STER-HALL.

*Printed at the Desire of the Justices of the
Peace for the said City and Liberty, and
of the Grand Jury.*

THE FOURTH EDITION.

L O N D O N :

Printed by CHARLES ACKERS. MDCCXL,

*Croftas, Burgus, & Villa Westm. in Comit. Midd. } ff. Ad Generalem Quarterialem
 Sessionem Pacis Domini Regis
 tent' apud Westm. pro Liber-
 tat' Decani & Capituli Ecclesie
 Collegiat. beati Petri Westm.
 Civit', Burgi, & Villæ Westm.
 in Comit. Midd. & Sancti
 Martini le Grand, London' die
 Mercurii scilicet nono die Octob.
 Anno Regni Domini Georgii Se-
 cundi, Dei Gratiâ nunc Regis
 Magnæ Britanniae, &c. secundo,
 coram Justitiariis, &c. ibidem.*

HIS Majesty's Justices of the Peace for the
 City and Liberty of *Westminster*, assembled
 at this present General Quarter-Sessions of the
 Peace, being of the Opinion that the Charge, this
 Day given by Sir *John Gonson* Knight, as Chair-
 man (in the Absence of the Right Honourable
John Lord Delawar the present Chairman) to the
 Grand Jury sworn to enquire for our Sovereign
 Lord the King, for the Body of this City and Li-
 berty, and to the High and Petty Constables
 there, is a Learned, Loyal, Judicious and Useful
 Charge, highly tending to the Service of his Ma-
 jesty, and his Government: Have unanimously
 agreed, that the Thanks of this Court be, and
 the same are hereby given to the said Sir *John*
Gonson for his said Charge, and they desire that he
 will cause the same to be Printed and Published.

Per Curiam

MIDDLETON.



To the RIGHT WORSHIPFUL

Sir John Gonson Kn^t.

CHAIRMAN of the General Quarter-Sessions of the Peace, held for the City and Liberty of *Westminster*, &c. the ninth Day of *October*, 1728.

WE the Grand Jury, impan-
nelled and sworn to en-
quire for Our Sovereign Lord the
King, for the Body of this said
City and Liberty, having received
T H E G from

from your Worship, as Chairman,
a very Learned, Loyal, Ingenious
and Useful Charge, Do hereby re-
turn you our most humble Thanks
for the same; and desire, that you
will be pleased to cause the same
to be Printed and Published for the
better Information of the Inhabi-
tants and Officers within this City
and Liberty, in the Discharge of
their respective Duties, &c.

John Farmer.

Charles Fullwood.

John Rumbold.

James Farman.

H. Tabel.

Samuel Corterell.

Joseph Tull.

John James.

Richard Hunton.

John Hind.

John Hopkins.

Robert Halliwell.

Edmund Osborne.

Christopher Hammond.

Solomon Ranger.

Daniel Truman.

Richard Pick.

John Walker.

John Wells.

Charles Capell.

John Shepherd.

THE



they claim from Nature, every Man would
 be interested and Operating with ano-
 THE *Fourth*
 divisions of another, the Labour of one Man
 would be the Property of another. What
 Third CHARGE

Industry the Cause of another Man's Idleness.
 Hence came the Original of Govern-
 ment, which was the mutual Contract of
 a Number of Men, agreeing upon certain

Sir John Gonsou Kn.

those Terms, which were called Laws, and
 put into the Hands of one or more Men to
 execute: *Gentlemen of the Grand Jury.*



HUMAN Societies, and hu-
 man Laws are the Effect of
 Necessity and Experience.
 If Men, in their Behavi-
 our, lived up to the Pre-
 cepts of the Law of Na-
 ture, none would ever spill

his Neighbour's Blood, hurt his Person, or
 invade his Property. But because Men are so

apt to violate those equitable Laws to gratify their Passions and corrupt Inclinations; and, when left to the boundless Liberty, which they claim from Nature, every Man would be Interfering and Quarrelling with another, every one would be Plundering the Acquisitions of another, the Labour of one Man would be the Property of another, Weakness would be the Prey of Force, and one Man's Industry the Cause of another Man's Idleness.

HENCE came the Original of Government, which was the mutual Contract of a Number of Men, agreeing upon certain Terms of Union and Society, and putting themselves under Penalties if they violated those Terms, which were called Laws, and put into the Hands of one or more Men to execute: Thus Men quitted their natural Liberty to acquire civil Security, and were willing to part with some Privileges and Rights, which they have by Nature, in Order to secure the Rest from Violence.

THE Judicious * Mr. HOOKER thinks, that the first Government was Arbitrary, by a single Person; 'till it was found by Expe-

* Eccles. Polity, *Lib. 1. Sect. 10.*

rience, *That to live by one Man's Will became the Cause of all Mens Misery.*

AND this he concludes was the Original of inventing Laws. "The lawful Power of making Laws (says he) to command whole politick Societies of Men, belong so properly to the same intire Societies, that for any Prince, or Potentate of what Kind soever upon Earth, to Exercise the same of himself, and not by expresse Commission immediately and personally received from GOD, or else by Authority derived, at the first, from their Consent upon whose Persons they impose Laws, is no better than mere Tyranny." This is the more Worthy of Consideration, being the Judgment in a Point of Religion, not of an Historian or a Lawyer, but of a Reverend Divine, and such an one who hath been so great a Champion for Authority and Government, and for strict Conformity to our excellent Church.

ABSOLUTE Monarchy, indeed, may rather be esteemed a Species of Anarchy, than any Form of civil Government: For surely, when Men entered into Society, they never agreed or intended, that all of them, except

one, should be under the Restraint of Laws, and that he alone should still retain all the Liberty of the unrestrain'd State of Nature, corrupted with Flattery, arm'd with Power, and made Licentious by Impunity, and at the same Time that the People should be totally deprived of the Safety and Security in civil Society, for which it was at first Instituted, and for which only they enter'd into it.

IT is certain then, that the Limitation of Power, and the Superiority of Laws, in Matters of Government, had an Original in the early Ages of the World; the *Lacedaemonian* Government was the same with that of *Crete*, and the Basis of each was settled upon this Maxim, That Liberty is the chiefest Good of civil Society, because it is that which makes every Thing we possess our own; without this Liberty all Property centers in those who govern, and not in them who are governed. By Liberty is not meant Licentiousness, or for Men to act without Controul, but under the Restraint of good Laws; so far free and at Liberty as reasonable Creatures would wish to be, and so far

only restrain'd, as is necessary for the Peace and Good of Society.

THE Constitution of different Countries are indeed various, but the Obligations between the Governing and the Governed are every where mutual; the Office of a King, a Senate, or of the executive Power in a popular State, is to protect the People in their Lives, Liberties, and Properties; and to this End they claim the Allegiance, Obedience, and Assistance of their Subjects. The *Roman*, and most of the *Græcian* States, were built upon the Republican Plan; but when the *Goths*, and other *Northern* Nations destroy'd the *Roman* Empire, and extended their Conquests into far distant Countries; they establish'd, wherever they came, a mixt Form of Government, which, like the World, subsists by the Opposition of the Elements, of which it is composed: The Preservation of this Constitution depending upon the Balance between the King, Nobility, and People, the Legislative Power was lodged in these three Estates, call'd by different Names in different Countries; in the *North* Diets, in *Spain* Cortes, in *France* Estates, and in *England* Parliaments, For tho' the Word Par-

liament, as my Lord COKE in his first Institute observes, is not above seven or eight hundred Years old; yet Assemblies of the People, or their Chiefs and Representatives, in most Nations of *Europe*, upon emergent publick Occasions, to consult and determine of their own Affairs, has been a Practice so universal, as to Time and Place, that the Histories of all Nations, now extant, afford plain Footsteps in this Matter. The Style and Title of such Assemblies may indeed change with Language, which is a Thing continually changing *, and the Name and Designation of the Constituents may alter; but it has ever been the immutable and constant Practice of civilized and well governed Nations to meet in general Assemblies, to advise, debate, and finally determine concerning their publick and national Concerns.

THAT this was our Case in *Britain* before Our SAVIOUR's Time, is clear from

* Sir HENRY SPELMAN in his *Glossary* says thus, under the Word *Gemotum*, “ Wittenagemot idem apud
 “ Anglo-saxones, quod apud nos hodie Parliamentum,
 “ parumque à Folemoto differebat, nisi quod hoc an-
 “ nuum esset, & è certis plerumque Causis, illud ex
 “ arduis Contingentibus, & Legum Condendarum gra-
 “ tiâ, ad Arbitrium Principis indictum.”

JULIUS

JULIUS CESAR'S *Commentaries* *. And TACITUS, in his *Germania* †, gives the like Account of that Country. And one of our most ancient Law Books, call'd *The Mirror of Justice*, cited by my Lord COKE in his first Institute, mentions an Assembly of the Counties, &c. in ‡ King ALFRED'S Reign; to descend lower would exceed my Bounds. And the Subject has been unanswerably maintained by Mr. PETYT, in his *Antiquity and*

* CAESAR. Comment. Lib. 5. *Summa Imperii bel-
lique Administrandi communi Concilio permissa est Cassi-
velano.*

† *De Minoribus rebus Principes consultant, de Majoribus omnes.*

‡ The Mirror of Justice was written in the Saxon Times, as appears by the Book it self, and it was revised, and some Things added to it, by the learned and wise Lawyer ANDREW HORNE, who lived in the Reigns of King EDWARD the First, and King EDWARD the Second.

MYRROR, Page 10.

For the good Estate of the Realm, King ALFRED caused the Counties to assemble, and ordained it for a perpetual Usage, that twice every Year, or oftner if need were, in Time of Peace, they should assemble at London, to sit in Parliament, for the Guidance of GOD'S People, how the Nation should keep themselves from Sin, live in Quiet, and receive Right by certain Usages, and holy Judgments.

Power,

Rover, &c. of the House of Commons, and by Mr. TYRABEL, in his *Bibliotheca Politica*, and the learned Preface to his *History of England*, which no Writer of Note has hitherto undertaken to confute; and last of all by Mr. RYMER in his *Fœdera*. The Excellency of this mixt Government consists in that due Poize, or Balance between Rule and Subjection, so justly observed in it, that by the necessary Concurrence of the Nobility and Commons, in the Making and Repealing all Laws, it hath the main Advantages of an Aristocracy and a Democracy, and yet free from the Disadvantages and Evils of either of those Kinds of Government.

BUT Length of Time, and a Succession of Folly and Vice, in two Parts of the Legislature, and of Cunning and Success in the Third, has driven it almost out of Europe. In Spain, France, Denmark, Bohemia, Hungary, and Part of Germany, the Monarchy, or rather Tyranny, has now swallowed up the ancient Constitution; in Switzerland and Holland the two other Estates have yielded to the Commons: Whilst we in Great-Britain have still happily preserved this noble and ancient Gothic Constitution, which all
our

our Neighbours once enjoy'd, as well as we, who are the Wonder and Glory of all the Kingdoms round about us. And we may truly apply to our selves the Words of an inspir'd Author, *What nation is there so great, that hath statutes and judgments so righteous as those, which our G O D hath given us*

THE several Charters, especially that filed *The Great Charter*, in the ninth Year of King HENRY the Third, in and by which our Rights and Privileges stand secur'd, sworn, and entail'd down to us and our Posterity, were not voluntary Abatements of the King's original Power, nor the Grants and Concessions of our Princes (as FILLMER, BRADY, LIESTRANGE, HICKS, LIEBLEY, and other Advocates for Arbitrary Power would make us believe) but Recognitions of what we had reserved unto ourselves in the original Institution of our Government, and of what had always belonged to us by common Law, and most ancient Custom: And tho' these Liberties and Privileges came to be more distinctly expressed, and signally ratified in *Magna Charta*, than they had been before, yet they had not only been acknowledged, and transmitted down in the Laws of

of King EDWARD *the Confessor*, as the Birth-right of every *Englishman*, which also WILLIAM the First, commonly called *the Conqueror*, ratified as such; but they had long before been collected into a Body by King EDGAR the *Saxon*, and were only revised, repeated, and confirmed by EDWARD *the Confessor*.

BRAC-
TON, who was a Judge in the Time of King HENRY the Third, calls the Laws of *England*, *The Ancient Judgments of the Just*. And BRITON, Bishop of *Hereford*, who published his Book in the fifth Year of King EDWARD the First, by the Command of that King, and as written in the King's Name; and Sir GILBERT DE THORNTON, who was a Chief Justice in the same Reign, and reduced the Book of BRAC-
TON into a *Compendium*; and likewise Sir JOHN FORTESCUE, who was Lord Chan-
cellor in the Reign of King HENRY the Sixth, in his Book *De Laudibus Legum Angliæ*, all write to the same Effect, and speak of the Laws of *England* as the Birthright of the Subject. And with these now mentioned, concur all the eminent Authors in the Possession of the common Law, who, being so
10 learned

learned and so ancient, are therefore the most competent Witnesses of the *English* Constitution. Generally speaking, the whole Body of our Statute Laws, together with the Petitions of Right, and the *Habeas Corpus* Acts, are but Declarations and Confirmations of the common Laws of the Kingdom. And soon after the happy Revolution, under the Great and Glorious King WILLIAM the Third, which both restored and improved our Constitution, was passed the famous Bill of Rights, wherein the ancient and fundamental Rights and Liberties of the Subject are distinctly stated, in thirteen Articles, and ratified and confirmed to us and our Posterity, and there acknowledged to be our most rightful Inheritance.

1 W. & M.
An Act declaring the Rights and Liberties of the Subject, &c.

Of all the inestimable Advantages derived to us from this our wise Frame of Government, none more deserves to be highly prized and valued than that peculiar Birthright of ours, Tryal of Causes, whether Civil or Criminal, by Juries; an undoubted Part of the *Gothic* Constitution. This hath always been held

held so sacred, that * King ALFRED put one of his Judges to Death for Passing Sentence upon a Man, when three of the twelve disagreed in their Verdict from the Rest. And the same King put another of his Judges to Death, for Passing Sentence of Death upon an *Ignoramus* returned by the Grand Jury. And a Third, for Condemning a Man upon an Inquest taken *ex Officio* (as before the Coroner, and the like) when the Criminal had not put himself upon his Country, that is, to be try'd by a Jury.

GENTLEMEN,

IT is for Putting in Execution of this great and invaluable Privilege that we are now met together, and you are summoned here, and sworn to enquire of, and present to us, what Violations have been made of the Laws of G O D, and the Laws of the Land, by any Person, or Persons whatsoever, within the City and Liberty of *Westminster*.

* NATH. BACON's *Historical Discourse of the Uniformity of the Government of England.*

In the Course of your Enquiries, the Honour and Service of Almighty G O D, and his Holy Religion demands your first and principal Care.

A SENSE of Religion, or the Fear of G O D, so manifestly tends to preserve the Peace of Society, and the Welfare of Kingdoms, that it is not more the Duty than it is the Interest of all Governours, to Support and Maintain it in its highest Esteem. Says TOLLY *, Take away Religion, and you take away with it mutual Faith and human Society, and the most Excellent of Virtues, Justice itself. And MACHIAVEL, who had as little Respect for Religion as most People, ascribed the Prosperity of Rome to their Care of Religion, and the Strictness of their Morals; and tells us, That all Princes and Commonwealths, who would keep their Governments intire and uncorrupt, are, above all Things to take Care of Religion, and pre-

* *Libor. de Nat. Deorum. Pius etiam & Socius humani generis & una excellentissima Virtus Justitia tollitur.*

serve it in its due Veneration: For in the whole World (says he) there is not a greater Sign of imminent Ruin, than when GOD and his Worship are despised. *

A GENERAL Dissoluteness of Manners in any Community certainly tends to its Destruction: The Wise Man's Observation being founded in the Nature of the thing, as well as in the Decree of Almighty Prov. xiv. 34. GOD, That righteousness exalteth a nation; but sin is a reproach to any people. As the Virtue of a Kingdom encreaseth or diminisheth, so doth its Strength at home, and Credit abroad; and the Experience of all Ages and Nations teacheth us this great Truth, that no Government can long flourish, which doth not discourage and punish Vice and Profaneness.

To incite your Zeal in Doing your Duty, you have an illustrious Example before you. His Majesty, in his Excellent Proclamation just now read to you, hath declared it to be his Royal Purpose and Resolution, to Discountenance and Punish all Manner of Vice,

* MACH. Disc. Page 284.

Profaneness, and Immorality in all Persons of what Degree or Quality soever. And gives these Reasons for it; That it is an indispensable Duty on him (and consequently on all of us who act by his Authority) to be careful, above all Things, to Preserve and Advance the Honour and Service of Almighty GOD, and to Discourage and Suppress those Vices, which are so highly displeasing to GOD, and a Reproach to our Religion and Government; and as these Vices have a fatal Tendency to corrupt Persons, otherwise Religiously and Virtuously disposed; so they may, if not timely remedied, draw down the divine Vengeance upon us.

How piously, and with what an unfeigned Concern, doth his Majesty express himself for the Good and Welfare of his Subjects, is evidently demonstrated, if you will but peruse the Proclamation it self, which his Majesty also commands to be given in Charge, at every Assizes, and at every Quarter-Sessions.

AND therefore I hope, that you who (among other Things) are sworn diligently to enquire, and make true Presentment of all such Matters and Things, as shall be given you

H

in

in Charge, from the due Regard which you have for his Sacred Majesty, as well as for the Prosperity and Happiness of your Country, will, to the utmost of your Power, exert your selves in Putting these good Laws in Execution; and not suffer Blasphemy, profane Swearing and Cursing, Drunkenness, Profanation of the LORD's Day, and all other lewd and disorderly Practices, mentioned and described in this most Admirable Proclamation, to be practised and committed every Day with Insolence and Impunity, whilst every thing that is Good, Virtuous, and Laudable, is reviled, contemned and ridiculed.

AFTER a due Concern for the Honour and Glory of Almighty GOD, the Honour and Safety of his Vice-gerent, our Most Gracious Sovereign, his Virtuous and Most Excellent Queen, and his Illustrious Royal Progeny, justly claim the next Place in your Thoughts.

THE greatest Offence, that can be committed under a Monarchical Government, is High Treason.

H
BEFORE

BEFORE the Making of the Statute *de Proditionibus*, in the Reign of King EDWARD the Third, in the Time of the *Barons Wars*, and during the Minority of that King, Treason was variously described, and according to the Temper of the Times, Facts were declared or not declared to be Treason, which kept the People in such continual Fear, and under such dreadful Apprehensions, (the Punishment for this Offence being the most Severe which our Laws do inflict) that in the twenty fifth Year of that King's Reign, this Law was made, which reduces the Species of High Treason to a Certainty; and this was then thought of so great a Benefit to the Subject, that the Parliament who made it, as my Lord COKE tells us, was called *Parliamentum Benedictum*, or the *Blessed Parliament*.

By this Act, Compassing or Imagining the Death of the King, the Queen, or their Eldest Son and Heir, is High Treason. So is Levying War against the King, Adhering to his Enemies, Giving them Aid or Comfort, in the Realm or elsewhere. Counterfeiting his Coin, or Bringing false into the Realm; Killing the Lord Chancellor, Lord Treasurer,

Justices in Eyre, of Assize, and Justices of Oyer and Terminer, being in their Places doing their Offices. It is likewise High Treason by this Act, to Counterfeit the Great or Privy Seal; and Counterfeiting the Privy Signet, or Sign Manual, is made High Treason by another Act of the First and Second of PHILIP and MARY.

By an Act of the Thirteenth and Fourteenth of King WILLIAM the Third, it is High Treason to hold any Correspondence with the Pretender, who is himself, by this Act, attainted of High Treason.

ENDEAVOURING to Hinder, or Deprive the next Successor in the *Protestant* Line, from Succeeding to the Crown, is made High Treason, by an Act of the First of the late Queen ANNE.

By a Statute of the Sixth of Queen ANNE, it is High Treason to Maintain and Affirm, by Writing, or Printing, that his Majesty is not Lawful and Rightful King of these Realms; or that the Pretender hath any Right to the Crown; or that any other Person hath any Right to the same, but by the Acts of Settlement; or that the King and Parliament cannot Bind or Limit the Succession

sion of the Crown. And if the Offender maintains the same by Words only, then it is a Premunire.

IN the Reigns of King CHARLES the Second, and King JAMES the Second, there were several hard and irregular Prosecutions for High Treason; as that of the Lord RUSSEL, the Honourable Mr. SIDNEY, Mr. CORNISH, and others, whose Attainders, soon after the Revolution, were reversed by Parliament. And it was one of the Blessed Fruits of this Glorious Revolution, that the Laws concerning High Treason were altered for the Better, and greatly in Favour of the Subject. Formerly Men were committed for Treason, and their Friends were not admitted to come near them, nor were they allowed either Counsel to assist them, or Pen, Ink, or Paper, or informed for what Treason they were committed, or by whom accused; and tho' they had a Liberty to except against any of the Jury, they were never allowed to have a Copy of the Pannel to make any Advantage of it. But now, by the * Statute of

* *An Act for Regulating of Tryals in Cases of Treason, and Misprision of Treason.*

the Seventh of King WILLIAM the Third, a Person committed for Treason, or Mispri-
 fion of Treason, shall have a Copy of the
 whole Indictment five Days before his Tryal,
 to Advise with Counsel, &c. and a Copy of
 the Pannel two Days before his Tryal: And
 shall be allowed to make a full Defence by
 his Counsel learned in the Law, and his
 Witnesses shall be examined on Oath, and
 he shall not be Convicted, but by the Oaths
 of two Witnesses to the same Species of
 Treason.

You are to enquire of Mispri-
 fion of Treason, which consists in the bare Know-
 ledge and Concealment of High Treason.

You are to present the Authors, Printers,
 and Publishers of all seditious and treasonable
 Libels, against his Majesty's Sacred Person,
 his Illustrious Family, or his Administration;
 and of all the Libels that have been published
 of late, none exceeds the Malignity of that
 Villanous One of *Mist's Journal* of the twenty-
 fourth of *August* last, which the Grand Ju-
 ries of *Middlesex* and *Bristol* have worthily
 Presented, as a most Wicked and Treasonable
 Libel,

Libel, Reflecting on his Sacred Majesty, and the Ever Blessed Memory of his Royal Father; which Presentments being printed in the *London Gazettes*, I presume most of you have seen.

GENTLEMEN,

IT is to his Majesty, as a common Father, that we owe all the quiet uninterrupted Enjoyment of our civil and religious Rights and Liberties, which we are at present blest with; and from the Succession in his Royal House we can only expect to have them continued to our Posterity. And as it cannot be doubted, but that you wish well to your selves, and your Families; so I hope you will do your Endeavour to punish all those wicked Men, who would by their Libels, or other Devices, change so glorious a Prospect into Error, and Superstition in the Church, and Tyranny and Arbitrary Power in the State, under an enraged *Popish* Pretender, who has been harboured ever since he was five Months old among Arbitrary Princes, and been a constant Attendant

at Courts, where no Law was ever talked of, besides the Will of the Prince.

AFTER your Duty to GOD and the King performed, your Neighbours, or Fellow Subjects claim your Justice.

YOU are to enquire of Petty Treason, which is where a Servant Kills his Master or Mistress, a Wife her Husband, or an Ecclesiastical Man his Prelate,

YOU are to present Burglary, which is the Breaking and Entering into a House, in the Night Time, with an Intent to commit some Felony.

YOU are to present all Sorts of Felonies, whether against the Person, Goods, or Habitation of a Man; and all Accessaries before and after the Facts; all Petty Larcenies; all Assaults, Batteries, Affrays; forcible Entries, and Detainers of Lands and Tenements by Force; Riots, Routs, and unlawful Assemblies; Neglect or Breach of Duty in publick Officers, especially of Constables who Neglect or Refuse to execute Warrants delivered to them; Bribery; Extortion; all publick Nufances;

Nuisances; all that Sell corrupt and unwholesome Victuals; all Houses of common Lewdness and Gaming; disorderly *Geneva* Shops; Night Houses; and those Houses which harbour Inmates, especially those that are kept open all Night, and which receive great Numbers of idle and disorderly Persons, lodging all Corners for a Penny, or Twopence *per* Night. A vigorous Prosecution of these Sort of Houses will be one Way of Preventing the numerous Robberies which we have lately heard so much of. You are also to enquire of all Highways and Bridges out of Repair, and of all broken Pavements; and in general, of every thing that is an Offence against the publick Peace.

YOU are, GENTLEMEN, of so good Understanding and Capacities, and so well Experienced in the Nature of this Service, that it will not be necessary to give you a long Catalogue or Detail of the many and various Kinds of Offences enquirable by you; but lest any thing which you ought to enquire of should not occur to your Memories, I refer you to my former Charges, Printed by Order of Court, and at the Desire

file of three several Grand Juries; and I have directed printed Copies of all those Charges, to be given to every one of you, GENTLEMEN, who are sworn upon this Grand Jury, for your Use on this present, or any future Service of this Nature.

THESE Matters and Things, GENTLEMEN, that have been given you in Charge, with whatever else shall come to your Knowledge, touching this present Service, you are Impartially to lay before this Court by your Presentments, in Order to have the Offenders punished, and the Grievances redressed, by the effectual Putting our excellent Laws in due Execution. And upon any Doubts, or Difficulties, which in the Course of your Enquiries you may meet with, the Court, upon your Application, will give you all due Assistance.

THE

THE *Fifth*
~~Fourth~~ CHARGE

OF
Sir John Gonson Kn^t.

TO THE
GRAND JURY
OF THE
CITY and LIBERTY of
WESTMINSTER, &c.

At the General Quarter-Sessions of
the Peace, held the Third Day
of July, 1729, in WESTMIN-
STER-HALL.

*Printed at the Desire of the Justices of the
Peace for the said City and Liberty, and
of the Grand Jury.*

The FOURTH EDITION.

L O N D O N :
Printed by CHARLES ACKERS. MDCCXL.

Civitas, Burgus, & Villa Westm. in Com. Middx. **H. Ad Generalem Quarterialem Sessionem Pacis Domini Regis tent' apud Westm. pro Libertat' Decani & Capituli Ecclesie Collegiat. beati Petri Westm. Civit. Burgi, & Villæ Westm. in Comit. Midd. & Sancti Martini le Grand, London' Die Jovis scilicet tertio die Julii, Anno Regni Domini Georgii Secundi, Dei Gratia nunc Regis Magnæ Britanniae, &c. tertio.**

THIS Court taking into their Consideration the most Religious, Learned, Useful, and Excellent Charge, this Day delivered by Sir *John Gonson* Knight, Chairman of this Court, to the Grand Jury, sworn to enquire for our Sovereign Lord the King, for the Body of this City and Liberty, at this present Sessions of the Peace; doth hereby Order, That the said Sir *John Gonson* have, and he hereby hath the Thanks of this Court for the same; and the said Sir *John Gonson* is hereby desired to cause his said Charge to be forthwith Printed and Published.

Per Curiam

THE FOURTH EDITION

MIDDLETON.

Printed by CHARLES ACKERS, MDCCLXII.



To the WORSHIPFUL

Sir John Gonson Kn^t.

CHAIRMAN of the General Quarter-Sessions of the Peace, held for the City and Liberty of *Westminster*, &c. the third Day of July, 1729.

WE the Grand Jury impannelled and sworn to enquire for Our Sovereign Lord the King, for the Body of the said City and Liberty, having (with due Respect and Attention) received from your Worship, a most Eloquent and Useful

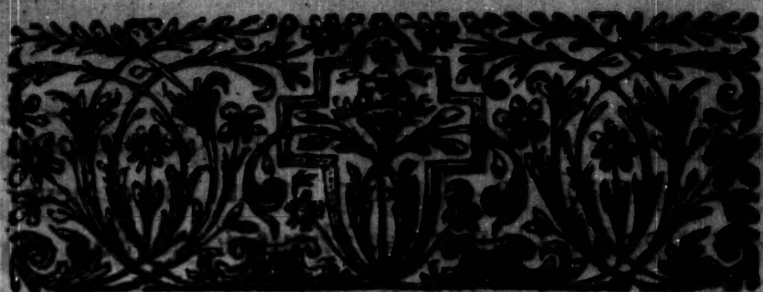
Useful Charge, tending to the good Government and Information, not only of this City and Liberty, but to the universal Guidance and Direction of all Persons whatsoever, in the Execution of the several Offices and Trusts in them respectively reposed; Do therefore return our most humble Thanks for the same, and intreat that you will be pleased to cause the said Charge to be Printed, for the better Improving the Knowledge of his Majesty's Subjects in the Laws and Customs of this Realm.

Samuel Bever,

*John Hodson,
William Boon,
Lawr. Neale,
John Hathaway,
Wm. Barber,
Jos. Mines,
John Buck,
Tho. Paulin,
Samuel Cockey,
Moses Holloway,*

*Edward Shepberd,
Rich. Williams.
Jos. Caldecott,
Richard Clayton,
Geo. Shute, Jun.
Cuthbert Cornforth,
John Bladwell,
John Dunkarton,
Peter Le' Cott,
Tho. Gibson.*

T H E



THE Fifth
Fourth CHARGE

Sir John Gonson Kn^t.

Gentlemen of the Grand Jury,

 GOVERNMENT in general is an orderly, constituted Power, for publick Good. Orderly, to prevent Anarchy and Confusion; Constituted Power, to prevent Usurpation; For publick Good, to prevent Tyranny and Oppression.

THE

THE Use and Necessity of Government is so obvious to all Men, that there never was Age or Country without some Sort of civil Authority. But as Men are seldom unanimous in the Means to attain their End; so their Difference in Opinion, in Relation to Government, has produced Variety of Forms of it in the World. To enumerate them would be to recapitulate the History of the whole Earth. But they may, in general, be reduced to one of these Heads; either the civil Authority is delegated to one or more, or else it is still reserved to the whole Body of the People. Whence arises the known Distinction of Government, into Monarchy, Aristocracy, and Democracy.

MONARCHY, it's probable, was the first and most natural Government, because the most simple and easy for Men to light on. And in the first Ages of the World, before Ambition and Luxury had debauched the Minds of Princes, it was doubtless the best Sort of Government. But the Setting up so many Commonwealths on the Ruin of Monarchies, shewed that Men found great Mischiefs and Inconveniencies in that Sort of Government, when it once grew tyrannical, or
else

else they had never departed from it. And this made them, as BRUTUS said, at the Beginning of the *Roman Commonwealth*, to invent other Sorts of Government, which might partake of all the Benefits, without the Inconveniencies of absolute Monarchy.*

WE can never enough admire the Wisdom of the antient *German* and *Gothic* Nations, who preferred a limited Monarchy to all other Forms of Government, as an excellent Medium between the Mischiefs of arbitrary Power, and those Inconveniencies that attend Republicks, where either the common People or the Nobility must govern. And of this antient Constitution our Government is the Noblest, and almost the only Remains. Our

Legis-

* HOOKER'S *Eccle. Polity*, lib. 1. sect. 10. At the first, when some Kind of Regimen was once appointed, it may be that nothing was then farther thought upon for the Manner of Governing, but all permitted unto their Wisdom and Discretion which were to rule. Till by Experience they found this for all Parts very inconvenient, so as the Thing, which they had devised for a Remedy, did indeed but increase the Sore, which it should have cured. They saw, that to live by one Man's Will became the Cause of all Men's Misery. This constrained them to come to Laws, wherein all Men might see their Duty beforehand, and know the Penalties of Transgressing them.

Legislature is in the King, and the two Houses of Parliament. The executive Power is in the King, who is to govern his People by Laws of their own Choosing. The King is owned to be the supreme of these Authorities, and in some Cases the Crown is the whole Power of the Kingdom. As for Instance, the Power of Making War or Peace is intirely in the Crown. So is the executive Part of the Law. But then to Restrain this Power, even where it is Absolute, from Exerting to any Thing unreasonable or unjust, there is, first, as to Making an unreasonable War, no Money to be raised for Carrying on this War, or for any Thing else without a House of Commons. In the next Place, to Redress erroneous Judgments, or Decrees, upon which Executions would follow; those Judgments, or Decrees, made by the King's Courts, may be reversed by an Appeal to the House of Lords, which is the supreme Court of Judicature, and from whence no Appeal lies to the Crown. For where Kings are not the whole entire Power, the Case of *Meum* and *Tuum* is often disputed between the King and the Subject. And the Judges are under an Oath to give Judgment according

ing to Law; not only in all Causes between one Subject and another, but also between the King and the Subject. And this Way the Crown is controuled, even by those who act by the Crown's Commission. This original happy Frame of Government is truly and properly called an *English Man's Birth-right*, a Privilege not to be exempt from Law, but to be freed in Person and Estate, from arbitrary Violence and Oppression.

AND the Institution of Grand and Petit Juries is one of the most antient, and valuable Parts of our Excellent Constitution, and the greatest Fence and Bulwark of our Lives, Liberties, and Properties.

GENTLEMEN,

IT is for the Exercise of this great and invaluable Privilege, that you are now summoned here, and sworn. And you are to present to this Court all Offences against the Rules, either of *Moral* or of *Civil* Justice. Under the former is included all Vice, Immorality, and Profaneness. And under the latter, all Offences committed against your King, and your Country.

THE Honour and Service of Almighty GOD ought to be our first and principal Care. The most famous Writers of Politics, from PLATO down to MACHIAVEL, shew, that Vice is always attended by Corruption, and is the Pest and Bane of every free Community. Every one, who has read the *Roman History*, which is now in the Hands of almost all the World, must be satisfied, that the Reason, why the *Romans* expelled the *Tarquins*, and established Liberty upon a lasting Foundation, was, because they were at that Time a most religious and virtuous People. And the Reason, why they could not recover them, upon the Extinction of the Race of the CESARS, was, because they were then a more profligate, vicious, and luxurious People, than ever the World has known in any other Nation. All the famed Legislators of the World, MOSES, LYCURGUS, SOLON and NUMA founded their Laws, their Governments, and political Institutions upon Religion and Virtue.

You are therefore, as you honour your King, and love your Country, to take Care, that the Laws against Immorality and Profaneness be strictly put in Execution, as the
 THE most

most excellent Proclamation, just now read, directs, and which I am Commanded to enforce to you, and particularly those against profane Cursing and Swearing, Drunkenness and Breach of the Sabbath.

AFTER those Offences, which more immediately concern Almighty G O D and his holy Religion, you are to Enquire of Offences against Civil Justice, which are such Crimes, as are committed against your King and your Country.

THE greatest of these is High-Treason.

IN the Saxon Times there was no other Treason known, than that of Treachery to their Country, and Defecting it in Time of Danger *. Even Plotting against their King was no more than Felony, as appears by the *Mirror of Justice* †. An Indictment for an Offence of that Nature, against King EDMUND, concludes only *felonice*. Whereas Indictments in the other Case, concluded *felonice & proditorie*. The Punishment of the one was Loss of Life, and Forfeiture of the personal Estate only; of the other, Loss of

I 3

Life,

* TACITUS *Ger. cap. 10. Proditors & transfugas arboribus suspendunt.*
 † *Mirror, cap. 2. sect. 11.*

Life, with Forfeiture of the whole Estate, both Real and Personal *. Treason, which thus antiently related to the Kingdom only, we find, by the Lord Chief Justice GLANVILLE †, who wrote in K. HENRY the II^d's Reign, to have been then extended to the Person of the King; for that Author puts them both on the same Foot, and makes one as well as the other to be *Crimen læsæ Majestatis*. And the Reason of this, no Doubt, was the great Interest, which the Kingdom had in the Safety and Preservation of the Prince.

OFFENCES against the Safety and Honour of the King's Person, being then become Treason, made it so extensive, and render'd it of so uncertain a Nature, that Persons were often involved in Treason before they thought of it: For as yet Treason was under no other Regulation, than what the present Sense of the Judges (not always above the Influence of angry or covetous Princes) should determine to be so; of which those Times afforded but too many sad Instances;

To

* *Leg. EDW. cap. 38.* † *GLANV. de Leg. lib. 1, cap. 2, & lib. 14, cap. 1.*

To obviate therefore this Mischief, was the Statute of the 25th of King EDWARD III. made as a Rule Cap. 2. whereby the Judges were intirely to govern themselves, who otherwise might have retained to this Day, a Power to declare any Thing to be Treason, which they apprehended to be highly prejudicial to the Kingdom. And tho' the Parliament, for good Reasons, thought it necessary to confine inferior Jurisdictions to one Rule, yet they still reserved to themselves a Power of Judging what shall be Treason in particular Cases, that were not expressed in this Statute, as appears by the Proviso at the latter End of it*.

BY this Act of the 25th of King EDWARD III. Compassing or Imagining the Death

I 4

* Sect. 12. "And because many other like Cases of
"Treason may happen in Time to come, which a
"Man can't think or declare at this present Time, it
"is accorded, That if any other Case, suppos'd Treason,
"which is not above specified, doth happen before
"any Justices; the Justices shall tarry, without any
"going to Judgment of the Treason, 'till the Cause
"be shewed and declared before the King and his Parliament,
"whether it shall be judged Treason, or
"other Felony".

Death of the King or Queen, or their Eldest Son, or Heir, and declaring by an open Act a Design to Depose, Imprison, or Murder the King, &c. is High Treason. So is Levying War against him; or Adhering to his Enemies, within the Realm or without; and also Counterfeiting his Great Seal, or his Privy Seal, or his Money current within the Realm. The several other Species of High Treason, by this and latter Acts, I omit to give you in Charge, because not likely at present to fall under your Enquiry. And I shall only mention to you the Statute of the cap. 7. 6th of Queen ANNE, whereby it is made High Treason, to Maintain and Affirm, by Writing or Printing, that his Majesty is not lawful King of this Realm; or that the Pretender hath any Right to the Crown; or that any other Person hath any Right to the same, but by the Acts of Settlement; or that the King and Parliament cannot Limit and Bind the Succession of the Crown. And if the Offender Maintains the same by Words only, then it is a Premunire.

AND here I must observe to you, that Altering and Limiting the Succession of the Crown;

Crown, by Parliament, is no such new or unprecedented thing, as some of the Enemies of our present happy Establishment would make us believe; but it is most agreeable to our Antient Constitution and Laws, and exercised and practised Ages before the Revolution. Of which many Instances might be given, from our Histories and Records. Allow me to mention a few. King HENRY VII. had several Titles, yet he thought fit to wave them all, and get the Crown settled upon him, and the Heirs of his Body by Parliament. * Accordingly an

* BACON'S *Hist. H. VII. Engl. Ed. fol. 7, 8, 11, 12, 16.* BUCK'S *Hist. of RICH. III.* Unprinted Statute still upon the Roll, the Title of which is *Titulus Regis*. And it runs in these Words: " To the Pleasure of Almighty
" GOD, the Wealth, Prosperity, and Surety of this
" Realm of *England*, and to the singular Comfort of
" all the Kings Subjects of the same, and in avoiding
" all Ambiguities and Questions. Be it Ordained, E-
" stablished, and Enacted, by the Authority of this
" present Parliament, that the Inheritance of the
" Crowns of the Realms of *England* and of *France*,
" with all the Preeminence, and Dignity Royal to the
" same Pertaining, and all other Seignouries to the King
" belonging beyond the Sea, with the Appurtenances
" thereto, in any wise due or pertaining, be, rest, re-
" main,

Act passed in the first Year of his Reign to this Purpose, in which it is remarkable, that there is no Recognition of any antient Right; but only an Establishment of the Possession, which he then had. And this Act was passed before he married with the Princess ELIZABETH, eldest Daughter to King EDWARD IV. and Heiress of the House of York. Nothing therefore can be more evident, than that he depended on his Parliamentary Title. He would never own that of the House of York, or suffer his Queen to join with him in any Act of Government, and this perhaps might be the Reason, why he never repealed the Act of the First of K. RICHARD III. by which she was declared Illegitimate. * And whatever Title the House of Lancaster had, it could not avail him, because his Claim was under one, who was also Illegitimate. † Besides, his Mother, the Countess

“ main, and abide in the most Royal Person of our
 “ now Sovereign Lord King HENRY the VIIth, and
 “ in the Heirs of his Body, lawfully coming, perpetu-
 “ ally, with the Grace of GOD, so to endure, and
 “ in no other.”

* Collect. of Records, p. 709, 714. † JOHN of

Ghent, Duke of Lancaster, had by CATHERINE
 SWIN-

Countess of *Richmond*, was alive during his whole Reign, and did not dye till after the Accession of King HENRY VIII. *

As K. HENRY the VIIIth's Grandmother was alive, when he came to the Crown, and as he succeeded by Virtue of a Parliamentary Entail; so he trusted but little to any Hereditary Right. As appears plainly from the several Acts of Parliament he procured for Settling the Succession. By the Act of the 25th of his Reign, † the Lady MARY was Bastardized, and the Crown, for Default of Heirs Male of his Body, lawfully begotten on Q. ANNE BULLEN, was Limited to the Lady ELIZABETH, and her Heirs. And after this there is another Statute of the

28th

SWINFORD, before Marriage, four Illegitimate Children, HENRY, JOHN BEAUFORD (afterwards D. of *Somerset*) THOMAS and JOAN, and in the 20th Year of K. RICHARD II. he, by Act of Parliament, makes them Legitimate, COKE's 4 *Inst.* 36, 37. K. HENRY VII. was Son to EDW. HADDAM, Earl of *Richmond*, and MARGARET his Wife, Daughter and Heir of the abovementioned JOHN BEAUFORD, Duke of *Somerset*.

* Lord HERB. *Hist. of H. VIII. Compl. Hist. of Eng. vol. 2, p. 4.* † 25 H. VIII. cap. 22. An Act concerning the Kings Succession.

28th of K. HENRY VIII. * repealing the former Act, and declaring the Lady MARY and Lady ELIZABETH to be both Illegitimate, and settling the Crown upon himself, and the Heirs of his Body by Q. JANE; and for Want of such Heirs, with Power to Dispose of the Crown, by his Letters Patents, or his last Will, to what Person or Persons, and for such Estate in the same, and under such Conditions, as should please his Majesty. And lastly, another Act passed in the 35th Year of his Reign, † altering the Succession again, and settling the Crown, first on his Son, Prince EDWARD and his Heirs; then on the Lady MARY and her Heirs; afterwards on the Lady ELIZABETH and her Heirs; and the Remainder over to such Persons as the King should appoint, by his Letters Patents, or his last Will as before. By Force of this Act K. EDWARD VI. succeeded, and after him Q. MARY, and Q. ELIZABETH; both of which, being under a Sentence of Bastardy, could pretend to no Right, but what was given by this Statute of

* 28. H. VIII. c. 7. An Act concerning the Succession of the Crown. † 35 H. VIII. c. 1. An Act for Establishment of the Kings Succession.

of the 35th of K. HENRY VIII. * From hence it is evident, that in the Reigns of K. HENRY VIII. and Q. ELIZABETH, these Parliamentary Settlements of the Crown were held, and esteemed Good and Effectual to those that Claimed under them, against all Pretenders to the Contrary. And this, according to the Opinions of the greatest Men, and most learned Lawyers, who lived in those Days. We have it from the Lord HERBERT's History of K. HENRY VIII. † that SIR THO. MORE, who was Lord Chancellor in that Reign, and RICHARD RICH, then Solicitor General, and afterwards Lord RICH, in their Debate about the Supremacy, both agreed it to be the known Law of *England*, and laid it down as a first Principle, that the Parliament could Alter and Limit the Succession of the Crown. And some great Lawyers, in a Parliament of Q. ELIZABETH, ‡ declared the same Thing. MR. YELVERTON, afterward Speaker and a Judge, said, that to Assert that the Parliament had no Power to Determine of the Crown

* 35 H. VIII. cap. 1. † Page 241. ‡ 13 ELIZ. 1571.

2 Crown was High Treason. And Mr. MOUN-
SON Affirmed, that it was horrible to say,
 that the Parliament had no Authority to
 Determine of the Crown. For then would
 ensue (says he) not only the Annihilating the
 Statute of the 35th of K. HENRY VIII. but
 the Statute made in the first Year of this
 Queen's Reign of Recognition should also
 be made Void. This, and much more to
 the same Effect, may be found in Sir SIMON
 D'EWE's Journal. *

AND by a Statute of the first of K. ED-
 WARD VI. † all Usurpations of the Crown,
 against the Acts of the 35th of HENRY
 VIII. are made High Treason. And when
 the Duke of *Northumberland* (who had mar-
 ried his Son to the Lady *Jane Gray*) had
 prevailed upon K. EDWARD VI. in his Sick-
 ness, to Nominate that Lady by Will for
 his Successor, the Judges, and others the
 King's Council, told him in expresse Terms,
 that such Designation would be of no Force
 against the Act of Settlement, ‡ by which
 the Crown, in Case of K. EDWARD's Death
 with-

* Page 164, 176. † Cap. 12, sect. 9. ‡ BUR-
 NET's Hist. of the Reform. part. 2, fol. 223.

without Issue, was Limited to his two Sisters,
the Ladies MARY and ELIZABETH.

INDEED, the Author of the Book of the
Hereditary Right of the Crown of England
Asserted *, &c. published in the last Year of
the Reign of Q. ANNE, is very positive, that
Q. MARY and Q. ELIZABETH had no Oc-
casion for this Act of Parliament, being both
Legitimate Descendants of K. HENRY VIII.
as he would make his Readers believe. Yet
it's plain, that K. HENRY VIII. and his
Lawyers and Divines, were of another O-
pinion. And as to this Author's Arguments
to prove their Legitimacy, this one plain An-
swer may be given, That they are all of
them founded upon the Rules of the Canon
Law. Which, unless Confirmed by Act of
Parliament, is of no Force here, † especi-
ally when it stands (as in this Case) in direct
Contradiction to the Laws of *England*. And
as to Q. MARY it is plain, at her coming to
the Crown, she could not be looked upon
as Heir by Right of Blood, because, by the
afore-

* Page 213, 214, 215, 216. † GLANV. l. 7.
c. 15. COKE 2 *Inst.* 96, 97. *Stat. of Merton.* c. 9.
23 H. VIII. c. 38. 12 C. II. c. 33.

afore-mentioned Statute of the 25th of HENRY VIII. his Marriage with Q. CATHERINE her Mother was declared Unlawful, and the Crown settled on the King, and the Heirs of his Body by Q. ANNE BULLEN, as I mentioned before. And besides all this, she was but Sister by the half Blood to K. EDWARD VI. and so could not Inherit as Heir to him. And tho' in the first Year of her Reign, the Parliament ('tis true) took off her Illegitimacy, and repealed so much of the Acts of the 25th and 28th of K. HENRY VIII. as declared her Illegitimate; * yet in this the Parliament seems rather to provide for the Honour of her Descent, than to declare her Succession to be Inheritance by Right of Blood. Because this Statute of the 35th of K. HENRY VIII. whereby the Crown was settled upon Prince EDWARD, and the Heirs of his Body; and the Remainder upon the Ladies MARY and ELIZABETH, and whereby the King had also Power given him

* *Rast.* 4, 1 M. I. *sess.* 2, *cap.* 1, An Act declaring the Queen's Highness to have been born in a most just and lawful Matrimony, and also Repealing all Acts of Parliament, and Sentence of Divorce, made or had to the contrary.

him to Dispose of the Crown, by Letters Patents, or by Will, was not at all repealed, but still remains in our Statute Book. And after the Death of Q. MARY, it was agreed by both Houses of Parliament, that Q. ELIZABETH should be proclaimed according to the Act of Settlement, of the 35th of K. HENRY VIII.

AND in the Act of Recognition of her Right, 1^{mo} ELIZABETHÆ, * the same Act of Settlement is referred to, and declared to be, and remain the Law of this Realm for ever. And it is evident, that this Glorious Queen thought her Right to the Crown to be so well established, by these Acts of Parliament, that, as it is very well observed by Dr. WELWOOD in his *Memoirs* †, she scorned to repeal, even the Act which declared her Mother's Marriage to be unlawful, and herself to be Illegitimate, and incapable to succeed. But still the Title of Q. ELIZABETH being scrupled by the *Romish* Party, produced and occasioned the Statute of the 13th of her Reign ‡. Whereby it

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* 1 ELIZ. c. 3. sect. 1. † WELWOOD'S *Memoirs*, p. 5. ‡ 13 ELIZ. c. 1.

was made no less than High Treason, during the Queen's Life, and Loss of Goods and Chattels, afterwards, to Affirm and Maintain, that the Queen to, and with the Authority of Parliament, was not able to make Laws and Statutes of sufficient Force and Validity to Bind, Limit, Restrain, and Govern all Persons, their Rights, and Titles, that in any wise may, or might Claim any Interest or Possibility in, or to the Crown of *England*, in Possession, Remainder, Inheritance, Succession, or otherwise howsoever.

THOSE that are truly Loyal to our present most Gracious Sovereign, have Reason to recognize, with high Satisfaction, that such a Power of Altering and Limiting the Descent of the Crown, is duly lodged in the King and Parliament. For under the Authority of an Act of Parliament, we derive to our-selves the Happiness of his Government.

It is owned, that the Monarchy of *England* is Hereditary, and not Elective. But neither our Monarchy, nor any other Monarchy upon Earth, is Hereditary in such a Sense,

Sense, that it must necessarily descend by Right of Birth, without Distinction, to those who are Incapable, as well as to those who are Capable of it. If in an Hereditary Monarchy the next Heir should happen to be an Idiot, does the Order of his Birth make it necessary, that he should be a King? No body will say that. And yet such a natural Incapacity does not unfit a Prince for Government, more than an Incapacity arising from Principle. He that professes Principles destructive of the End and Design of any Government, is more Dangerous to that Government, and therefore more unfit and incapable of it, than if he was an Idiot. One could not Protect it, the other would Destroy it. But no one is born to Destroy the Happiness, and to inflict Misery on any Part of Mankind. No Man is born under an Obligation to submit to any Power applied to such unnatural Purposes. But still the Monarchy of *England* is Hereditary; for our Laws and Customs have made it so. But then there is no Natural or Divine Right of Succession to Crowns, different or ab-

tracted from the Civil and Political Laws, and Constitutions of particular Kingdoms. The Hereditary Right is not unalterable, but subject to the Laws of each Country; and a Person may be an Heir to a Crown in one Country, that cannot be so in another: As for Instance, in *France* Females cannot Inherit; whereas in *England* they may. And *MARIANA* in his History tells us, that antiently in the Kingdom of *Arragon*, the Brother of the King was to Inherit before the Daughter. The People of *Great Britain* have not therefore a Right to Choose whom they please to be their King; but are obliged to accept of, and to submit to, as such, that Person whom the Legislative Power shall appoint, capable of Answering the End and Design of this Government. By this Rule they guided themselves at the Revolution, * and considered the Right of Primogeniture

* 1 W. and M. sess. 2, cap. 2, sect. 7. And whereas it hath been found by Experience, that it is Inconsistent with the Safety and Welfare of this
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mogeniture as far as it was consistent with the Safety of our Church and Nation. They Transferred their Allegiance from a *Papish* Prince, who was absolutely Incapable by Principle, of Continuing in the Exercise of this Government, to the next Pro-

Protestant Kingdom, to be governed by a *Papish* Prince, or by any King or Queen marrying a *Papist*. The Lords, Spiritual and Temporal, and Commons, do further Pray, that it may be enacted, and it was thereby enacted, That all and every Person, or Persons, that is, are, or shall be Reconciled to, or shall hold Communion with the See, or Church of *Rome*, or shall profess the *Papish* Religion, or shall marry a *Papist*, shall be excluded, and be for ever incapable to Inherit, Possess, or Enjoy the Crown and Government of this Realm, and *Ireland*, and the Dominions thereunto belonging, or any Part of the same; or to have, use, or exercise any Regal Power, Authority, or Jurisdiction within the same. And in all and every such Case, or Cases, the People of these Realms shall be, and are thereby absolved of their Allegiance. And the said Crown and Government shall, from Time to Time, descend to, and be enjoyed by such Person, or Persons, being *Protestants*, as should have inherited and enjoyed the same; in Case the said Person, or Persons, so reconciled, holding Communion, or Professing, or Marrying, as aforesaid, were naturally dead.

Protestant in the Hereditary Line capable of it. By this Rule the Government is at present happily Established, upon our present most Gracious Sovereign *. And by this Rule I hope it will descend to his Royal Progeny, and that *Papery* will never come nearer to the *British* Throne, than the Acts of Settlement do allow of.

You are therefore to Present all that shall by Writing, Printing, or Speaking, deny his present Majesty's Title to the Crown. Or Maintain, that the Pretender hath any Right to the same. Or that the King and Parliament are not invested with sufficient Power to Bind or Alter the Succession

* By an Act of the 12th of W. III. cap. 2. The Princess SOPHIA, Electress and Dutchess Dowager of *Hanover*, is declared next in Succession, after his Majesty (K. WILLIAM) and the Princess ANNE, and their respective Issue. And that then the Crown, &c. shall remain to the said Princess SOPHIA, and the Heirs of her Body, being *Protestants*. And there is a Proviso, that all Persons who may inherit the Crown, by Virtue of this Act, and are reconciled to the Church of *Rome*, or shall marry a *Papist*, shall be subject to the Incapacities of the said Act of 1 W. and M.

cession of the Crown, that these Offenders may be brought to condign Punishment, and be Convicted, either of High Treason, or Premunires, as this Excellent Statute of the 6th of Q. ANNE directs.

AFTER High Treason, you are to Enquire of Misprision of Treason, of Petty Treason, of Burglary, and of all Sorts of Felonies, either at Common Law, or by any particular Statutes. The Felonies by Statute are very numerous, and I have given an Account of most of them in my Charge, at this Quarter-Sessions, in *July* last, in which, and in my three other Charges, printed by Order of Court, and at the Request of the several Grand Juries, you will also find an Account of the various Sorts of Crimes and Offences committed against the Lives, Habitations, Properties, and Welfare of Mankind, and of the highest and lowest Offences, and therefore, instead of Troubling you with a Repetition of the same Things, I have ordered Printed Copies of all those Charges, to be given to every one of you for your Use, on this present, or any future Service of
this

this Nature. I shall therefore only take Notice of a very few Offences, some of which were made Felonies by Acts of the last Session of Parliament. By an Act of the 12th of the late K. GEORGE, for the Building a Bridge cross the River of *Thames* from *Fulham* to *Putney*, wilfully and maliciously Burning, Blowing up, Pulling down, or Destroying the said Bridge, or any Part thereof, or Attempting so to do, is made Felony without Benefit of Clergy.

AND by an Act of the last Session for Relief of Insolvent Debtors, any Person forswearing himself, in any Particular, in Order to have the Benefit of the said Act, is to suffer Death as a Felon. And by another Act of the last Session, Forgery is also made Felony * without Benefit of Clergy; as it is by the same Act, to steal Bonds, Notes, and other Securities, for the Payment of Money. And likewise by

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* An Act for the more effectual Preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, and other Securities for the Payment of Money.

the same Act, any Person convicted for Perjury, or Subornation of Perjury, besides the Punishment by Law before to be inflicted for those Crimes, is to be Sent to the House of Correction, to hard Labour, for a Time not exceeding seven Years, or else to be Transported for a Time not exceeding seven Years, as the Court shall think proper. And if any Person so committed to the House of Correction, or Transported, shall voluntarily Escape, or Break Prison, or Return from Transportation, before the Time for which he shall be ordered to be transported, such Offender shall suffer Death as a Felony, and may be tried for such Felony, either in the County where he first escaped, or where he shall be apprehended.

AND for the more effectual Suppressing of Gaming-Houses, and Enabling the Justices of the Peace to punish the Gamblers, our Legislature hath now thought fit by a Clause in an Act passed the last Session, to revive certain Laws, &c. to Impower the Justices of the Peace, upon the Oaths of two Witnesses, to bind, with suf-

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in a Gaming House, to
move to King as he lives. Whereas it was
held before, that no Person could be
brought with Evidence, according to the
statute of the 33d of HENRY VIII. unless
he was found playing upon the per-
sonal View of the Justices.
It is one Thing more, that I
must particularly Recommend to your Care,
before I dismiss you. And that is to pre-
serve the Honors, Privileges and Publications
of our Antient Libels, Order against the
Majesty of Sacred Person, his Illustrious Fa-
mily, For his Administration. It should
indeed, your Zeal against these Offenders,
if you consider how mild and gracious
a Sovereign, late our Reign, was. And
I assure you, that in no other Day
his Majesty will live, we shall have more
and more Reason to bless Almighty GOD
for bringing him to the Throne, and to
pray that he may long sit thereon, and be
- to Im-
power the Justices of the Peace, upon the
statute of the 33d of HENRY VIII. 7 Geo. I.
4 Cap. 9.

FINIS

